

Report: Summary of Submissions by Submitter Number/Name

Submitter Number:	986	Submitter:	Pam Butler
On behalf of:	KiwiRail Holdings Limited (KiwiRail)		
Point Number	986.1		
Summary of Decision Requested:	Retain Section 1.5.4(a) and (b) Urban Growth as notified.		
Decision Reasons:	<ul style="list-style-type: none"> The rail network (like other land transport networks) traverses through multiple districts. It is critical to the ongoing operation and effectiveness of the rail network that it is coordinated across different districts (a). Uncoordinated or ad hoc urban growth can have significant adverse effects on, and undermine, the efficient provision and use of infrastructure (b), particularly in terms of reverse sensitivity. 		
Point Number	986.2		
Summary of Decision Requested:	Retain Section 1.5.5(a), (b), (c), (d), (e) and (g) Services and Infrastructure as notified.		
Decision Reasons:	<ul style="list-style-type: none"> Like other long linear networks, the rail network is unable to easily be relocated. Therefore, KiwiRail submits that mitigation of the effects of new or altered development in the surrounding area and managing reverse sensitivity effects (a) is fundamental to ensuring that the rail network can operate and be maintained efficiently, as well as ensuring that the residents and communities of the region are provided with an appropriate quality of life. Land transport networks need to be integrated and coordinated (b) and (e) and protected from the adverse effects of other activities (c). Consistent Plan wide provisions which enable the effective and efficient operation of infrastructure and protect it from incompatible activities being established in close proximity is important for KiwiRail in continuing to provide rail services within the District (d). In addition, the rail network is infrastructure that has the potential to adversely impact on the social and economic wellbeing, as well as the health and safety, of the community if not able to operate efficiently, effectively and safely. KiwiRail therefore support Council in working to ensure that the infrastructure is protected and can operate appropriately (g). 		
Point Number	986.3		
Summary of Decision Requested:	Retain Section 1.5.6(a) and (d) Transport and Logistics as notified.		
Decision Reasons:	<ul style="list-style-type: none"> KiwiRail supports recognition of the importance of land transport networks to the District (a) and the rail network (d) as significant infrastructure networks and seeks that recognition is provided for the social, economic, environmental, and health and safety benefits to the community that arise from those networks. 		
Point Number	986.4		
Summary of Decision Requested:	<p>Amend Section 1.12.8 Strategic objectives as follows (or similar amendments to achieve the requested relief):</p> <p>(a) The matters set out in paragraphs 4.1.1-4.1.7 1.12.1 – 1.12.7 provide the overarching directions for the development of the objectives, policies and other provisions within the district plan.</p> <p>(b) In summary, the overarching directions include the following:</p> <p>(i) Urban development takes place within areas identified for the purpose in a manner which utilises and integrates land and infrastructure most efficiently</p> <p>AND</p> <p>Any consequential amendments to link and/or accommodate the requested changes.</p>		
Decision Reasons:	<ul style="list-style-type: none"> There is a need to plan for and protect regionally significant infrastructure from the adverse effects of inappropriate urban development. The two elements should be integrated, supportive and beneficial. Urban development should not only be sited so as to utilise existing or planned infrastructure most effectively, it must also be located where it minimizes impacts on infrastructure (such as regional land transport networks) to allow them to operate effectively. The concept of integration of both infrastructure and development is a critical Plan theme which should be referenced here by changing the policy so that it promotes integration. Paragraph 1.12.8 refers to “paragraphs 4.1.1-4.17”, which appears to be an error and should presumably refer to 1.12.1-1.12.7. 		
Point Number	986.5		
Summary of Decision Requested:	Retain Policy 3.2.3 Management Hierarchy as notified.		
Decision Reasons:	<ul style="list-style-type: none"> KiwiRail supports the management of Significant Natural Areas and the recognition that where development is necessary these effects on Significant Natural Area values can be managed by a suite of options including avoiding, remedying, mitigating and offsetting. The rail network is not able to be easily relocated and given the function it provides for the region and the country, the rail network may cross or run parallel Significant Natural Areas. 		

• Given KiwiRail's operational need to maintain existing corridor, it is important that it is able to utilise the measures identified in the Policy to address any adverse environmental effects.

Point Number 986.6

Summary of Decision Requested: **Retain** Policy 3.2.4(b) Biodiversity offsetting except for the amendments sought below

AND

Amend Policy 3.2.4(b)(ii) Biodiversity offsetting as follows (or similar amendments to achieve the requested relief):

the biodiversity offset can achieve an equivalent level of no net loss of indigenous biodiversity;

|

AND

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Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail supports the management of Significant Natural Areas and the recognition that where development is necessary Significant Natural Area values are protected by avoiding, remedying, mitigating and offsetting any effects.
- KiwiRail has a narrow, linear corridor which cannot easily be relocated nor can the effects of works to maintain it be completely avoided be times. The ability to off-set is important for linear infrastructure providers, such as KiwiRail, where functional and locational constraints apply.
- Offsetting and its application to projects are part of the RMA framework, and the term is not exclusive to biodiversity values e.g. this could include a financial offset. In some cases, it may not be possible to achieve a 100% 'no net loss' and the policy should be broadened to accommodate acceptable proposals.
- It is noted that the imperative is inconsistent with Policy 11.1 of the Regional Policy Statement.

Point Number 986.7

Summary of Decision Requested: **Add** a new clause (v) to Policy 3.2.6(a) Providing for vegetation clearance as follows (or similar amendments to achieve the requested relief):

(a) Provide for the clearance of indigenous vegetation in Significant Natural Areas when:

...

(v) operating, maintaining or upgrading existing infrastructure

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- Reasonable works required to keep tracks and equipment functioning and clear of vegetation should be permitted in SNAs to ensure existing infrastructure is able to be maintained in an operational condition.

Point Number 986.8

Summary of Decision Requested: **Amend** Policy 3.2.8 – Incentivise subdivision as follows (or similar amendments to achieve the requested relief):

3.2.8 Policy - Incentivise subdivision that Protects Significant Natural Areas

(a) Incentivise appropriate subdivision in the Rural zone when there is which provides for the legal and physical protection of Significant Natural Areas, provided the areas are of a suitable size and quality to achieve a functioning ecosystem.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- The policy can be read as though widespread subdivision in the Rural zone is encouraged rather than the object, which is to incentivise the legal protection of Significant Natural Areas where rural subdivision is otherwise appropriate. KiwiRail would be concerned if the policy promoted subdivision which could have adverse effects on land transport infrastructure by being encouraged where it otherwise does not meet the Rural subdivision rules.
- As notified, the policy could be read as supporting ad-hoc rural subdivision and not as it is intended to be, which is to incentivise sustainable subdivision in and around Significant Natural Areas.

Point Number 986.9

Summary of Decision Requested: **Add** a new clause (vii) to Policy 3.3.2(b) Recognising values and qualities (or similar amendments to achieve the requested relief):

(b) Recognise the attributes of the Waikato River delta and wetlands, Whangamarino Wetland and Lake Whangape identified as Outstanding Natural Features, including:

...

(vii) existing infrastructure, including land transport networks

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- As a continuous linear network KiwiRail's railway corridor is located within some Outstanding Natural Landscape areas. The policy should include recognition that the location of significant land infrastructure in these areas is an attribute similar to the farming and recreational activities also noted.

Point Number 986.10

Summary of Decision Requested: **Amend** Policy 3.5.4(a)(iv) Protecting the natural character of wetlands, and lakes and rivers and their margins as follows (or similar amendments to achieve the requested relief):

(iv) requiring appropriate setbacks of new activities from wetlands, lakes and rivers.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- This clause is unreasonably restrictive for linear land transport networks like KiwiRail.
- KiwiRail supports Council in requiring activities to be setback from rivers, lakes and the coastal marine area, however this policy as worded gives no recognition to existing encroachments or where activities have a functional and operational need to be located in these areas. The rail network is not able to be easily relocated and frequently crosses watercourses

Point Number 986.11

Summary of Decision Requested: **Retain** Objective 4.1.1(a) Strategic as notified.

Decision Reasons:

- KiwiRail supports the objective as it recognises the interconnected nature of land use and transport planning.

Point Number 986.12

Summary of Decision Requested: **Retain** Objective 4.1.2 Urban growth and development as notified

Decision Reasons:

- KiwiRail support that there is a focus on consolidating growth near existing settlements.

Point Number 986.13

Summary of Decision Requested: **Amend** Policy 4.1.8 (a)(i)– Integration and connectivity as follows (or similar amendments to achieve the requested relief):

(i) Providing good access to facilities and services by a range of transport modes through the provision of integrated networks of roads, rail, public transport, cycle, and pedestrian routes;

AND

Add a new clause (v) to Policy 4.1.8(a) Integration and connectivity as follows (or similar amendments to achieve the requested relief):

(v) Avoiding or managing reverse sensitivity effects on the strategic transport infrastructure networks

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- Policy 4.1.3 (a) and (b) cover integration and connectivity issues. The railway network provides for freight transport which is an essential part of meeting the District's economic and social wellbeing. Rail should therefore be added to the policy.
- Urban development locating near land transport networks need to address reverse sensitivity effects on infrastructure which is largely dealt with in the Objectives and Policies in Chapter 6. However, given urban development needs to address certain restrictions relating to setbacks and acoustic protection across the Plan and not just in specific growth areas, there should be some mention of reverse sensitivity in this part of the Plan and in a 'location' policy topic. This higher tier policy would then apply to all the specific growth nodes which follow.
- Submissions are made to each of the nodes following 4.1.8 Policy – Integration and connectivity, in case this submission is not accepted. The purpose and principles of the Resource Management Act 1991 (the Act) are stated in Part 2. The rail network is a physical resource that needs to be sustainably managed through the Plan. Of specific relevance to the issue of safety (a key concern for KiwiRail), is that the Act seeks to enable people and communities to provide for their well-being and their health and safety. Section 7 of the Act identifies 'other matters' which need to be given particularly regard to in achieving the purpose of the Act. These include the efficient use and development of natural and physical resources.
- Part 2 of the Act also supports the efficient use and development of the rail network while also enabling people and communities to provide for their well-being and their health and safety. An appropriate balance needs to be achieved between ensuring the rail network is efficiently utilised and adjacent development can be facilitated, without compromising safety of people and communities.

Point Number 986.14

Summary of Decision Requested: **Add** a new clause (iv) to Policy 4.1.10(a) Policy – Tuakau as follows (or similar amendments to achieve the requested relief):

(iv) Reverse sensitivity effects on strategic transport infrastructure networks are avoided

or managed;

OR

Add a new clause (v) to Policy 4.1.8(a) Integration and connectivity as follows (or similar amendments to achieve the requested relief):

(v) Avoiding or managing reverse sensitivity effects on the strategic transport infrastructure networks

so that this applies equally to all towns and growth nodes in Chapter 4

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- Tuakau is near the NIMT which bisects the township. Growth can impact the line and any level crossings to a greater or lesser degree depending upon location of new development. The policy should be amended to provide for the avoidance of reverse sensitivity effects on strategic transport infrastructure, as this will enable development proposals to be assessed to achieve sustainable growth.

Point Number

986.15

Summary of Decision Requested:

Amend Policy 4.1.11(a) (iii) Pokeno as follows (or similar amendments to achieve the requested relief):

(iii) Reverse sensitivity effects on ~~from~~ the strategic transport infrastructure networks are avoided or managed;

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail supports the specific recognition that reverse sensitivity effects (which includes those on the land transport network) are required to be addressed in Pokeno, but considers the wording needs to be amended to more accurately capture the concept of reverse sensitivity. Reverse sensitivity effects are effects on existing infrastructure (and other lawfully established, effects-generating activities) that arise from the location of incompatible sensitive activities in proximity.

Point Number

986.16

Summary of Decision Requested:

Add a new clause (vii) to Policy 4.1.12(b) Te Kauwhata as follows (or similar amendments to achieve the requested relief):

(vii) Avoids or manages reverse sensitivity effects on strategic transport infrastructure networks.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail seeks specific recognition that reverse sensitivity effects (which includes those on the land transport network) are required to be addressed in Te Kauwhata. KiwiRail has recently canvassed reverse sensitivity issues with the developer in this area via Plan Change 20.

Point Number

986.17

Summary of Decision Requested:

Amend Policy 4.1.13(a)(ii) Huntly as follows (or similar amendments to achieve the requested relief):

(ii) Reverse sensitivity effects on ~~from~~ the strategic transport infrastructure networks are avoided or managed;

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail supports the specific recognition that reverse sensitivity effects (which includes those on the land transport network) are required to be addressed in Huntly, but considers the wording needs to be amended to more accurately capture the concept of reverse sensitivity.

Point Number

986.18

Summary of Decision Requested:

Add a new clause (v) to Policy 4.1.14 (a) Taupiri as follows (or similar amendments to achieve the requested relief):

Reverse sensitivity effects on the strategic transport infrastructure networks are avoided or managed.

OR

Add a new clause (v) to Policy 4.1.8(a) Integration and connectivity as follows (or similar amendments to achieve the requested relief):

(v) Avoiding or remedying reverse sensitivity effects on the strategic transport infrastructure networks

so that this applies equally to all towns and growth nodes in Chapter 4

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- The North Island Main Trunk Line will continue to pass through Taupiri township. Growth can impact the line and any crossings or a greater or lesser degree depending upon location of new development and this should be added to the policy to enable development proposals to be assessed to achieve sustainable growth.

Point Number

986.19

Summary of Decision Requested:

Add a new clause (vi) to Policy 4.1.15 (a) Ngaruawahia as follows (or similar amendments to achieve the requested relief):

Reverse sensitivity effects on the strategic transport infrastructure networks are avoided or managed.

OR

Add a new clause (v) to Policy 4.1.8(a) Integration and connectivity as follows (or similar amendments to achieve the requested relief):

(v) *Avoiding or remedying reverse sensitivity effects on the strategic transport infrastructure networks*

so that this applies equally to all towns and growth nodes in Chapter 4

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- While the SH1 alignment has changed, the NIMT runs through Ngaruawahia township. Growth can impact the line and any crossings to a greater or lesser degree depending upon the location of new development and this should be added to the policy to enable development proposals to be assessed to achieve sustainable growth.

Point Number

986.20

Summary of Decision Requested:

Amend Policy 4.1.16(a)(iii) Huntly as follows (or similar amendments to achieve the requested relief):

(iii) *Reverse sensitivity effects on ~~from~~ the strategic transport infrastructure networks are avoided or managed;*

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail supports the specific recognition that reverse sensitivity effects (which includes those on the land transport network) are required to be addressed in Horotiu, but considers the wording needs to be amended to more accurately capture the concept of reverse sensitivity.

Point Number

986.21

Summary of Decision Requested:

Amend Policy 4.2.15(b) as follows

(or similar amendments to achieve the requested relief):

Earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings, infrastructure and structures.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- Policy 4.2.15(b) seeks to ensure that earthworks do not undermine surrounding land, buildings and structures. KiwiRail seeks to add the word infrastructure to the policy to recognise the need to protect it from adjacent earthworks activity.

Point Number

986.22

Summary of Decision Requested:

Retain Policy 4.4.2 Noise, particularly clauses (iii)-(v) as amended below

AND

Amend Policy 4.4.2(a) Noise as follows (or similar amendments to achieve the requested relief):

(iii) *Maintaining appropriate setback distances between high noise environments and sensitive land uses noise-sensitive activities;*

(iv) *Managing the location of sensitive land uses and noise-sensitive activities, particularly in relation to lawfully-established high noise generating activities; and*

(v) *Requiring acoustic insulation where noise-sensitive activities are located within high noise environments.*

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail supports the policy, particularly clauses (iii)-(v). These clauses support noise sensitive activities managing reverse sensitivity effects on the railway corridor including through both setbacks and acoustic design.
- The terminology used in the policy is 'sensitive land uses'. The policy should be expanded to include 'noise' sensitive activities (as this is also defined in the Plan). A separate KiwiRail submission seeks that the definitions of 'noise sensitive' and 'sensitive' land uses be clarified or combined.

Point Number

986.23

Summary of Decision Requested:

Retain Policy 4.4.7 Managing the adverse effects of signs except for the amendments sought below

AND

Amend Policy 4.4.7(a) Managing the adverse effects of signs as follows (or similar amendments to achieve the requested relief):

(a) *The location, colour, content, and appearance of signs directed at traffic is controlled to ensure signs do not distract, confuse or obstruct motorists, pedestrians and other ~~road~~ land transport users;*

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail supports the policy as it provides for the assessment of the effects of signs on land transport safety. This is reflected in the minor amendment sought.

Point Number 986.24

Summary of Decision Requested: **Retain** Policy 4.7.11 Reverse sensitivity except for the amendments sought below

AND

Amend Policy 4.7.11(a) Reverse sensitivity as follows (or similar amendments to achieve the requested relief):

(a) Development and subdivision design minimises reverse sensitivity effects on adjacent sites, adjacent lawfully established activities (including infrastructure), or the wider environment; and

(b) Avoid the potential for reverse sensitivity effects from the location of new dwellings in

the vicinity of an intensive farming, extraction industry or industrial activity, or infrastructure;

(c) Development of noise-sensitive activities is designed to avoid or mitigate reverse

sensitivity effects on transport networks

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail supports the policy which seeks to ensure that any urban development addresses reverse sensitivity effects. While there are policies in the Infrastructure section supporting this, it is important that the effects of subdivision on the safety and efficiency of existing network utilities such as land transport networks are considered at the time of subdivision. Good subdivision design can address many issues for example; stormwater arrangements, noise bunds and lot design.
- The addition of the term 'lawfully established activities' reflects its use in 5.6.3 Policy – Subdivision within the Country Living Zone.
- In addition, there are no targeted policies relating to KiwiRail's standards to manage reverse sensitivity effects. The requested changes relate to the setbacks (i.e. adjacent to the corridor, acoustic controls, access at level crossings) and other mitigation required to achieve sustainable development.

Point Number 986.25

Summary of Decision Requested: **Retain** Policy 5.3.7(c) Reverse sensitivity effects as notified.

Decision Reasons:

- KiwiRail supports this clause of the policy as it addresses the need for appropriate setbacks from lawfully established activities where reverse sensitivity effects may arise.

Point Number 986.26

Summary of Decision Requested: **Retain** Policy 5.3.14 Signs except for the amendments sought below

AND

Amend Policy 5.3.14(b) Signs as follows (or similar amendments to achieve the requested relief):

(b) Ensure signage directed at traffic does not distract, confuse or obstruct motorists, pedestrians and other land transport road users.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail supports the policy as it provides for the assessment of the effects of signs on land transport safety. This is reflected in the minor amendment sought.

Point Number 986.27

Summary of Decision Requested: **Retain** Policy 5.3.15 Noise and vibration except for the amendments sought below

AND

Amend Policy 5.3.15(a)(vi) as follows (or similar amendments to achieve the requested relief):

(vi) Requiring acoustic insulation where sensitive land use activities are located within high noise environments, including near the railway corridor, the Airport Noise Outer Control Boundary, Huntly Power Station, the Gun Club Noise Control Boundary;

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail supports the policy which recognises that reverse sensitivity effects occur and need to be managed through managing the location of sensitive land uses in relation to lawfully-established activities, including by maintaining appropriate buffers between high noise environments and noise sensitive activities.
- The railway corridor operates 24/7 and can produce adverse effects that extend beyond the corridor boundary, such as noise and vibration, emissions, lighting/glare and dust.
- Development near the railway corridor needs to take into account the potential for these effects to be experienced and should be designed to avoid/mitigate them.

Point Number 986.28

Summary of Decision Requested: **Retain** Policy 5.6.3 Subdivision within the Country Living Zone as notified.

Decision Reasons:

- KiwiRail supports the policy's direction that existing infrastructure is not to be compromised by inappropriate subdivision, building and development, and that lawfully established activities are to be protected from reverse sensitivity effects in the zone.

Point Number 986.29

Summary of Decision Requested: **Retain** Policy 5.6.16 Noise, particularly clauses (iii)-(v) as amended below

AND

Amend Policy 5.6.16 Noise as follows (or similar amendments to achieve the requested relief):

(iii) Maintaining appropriate setback distances between high noise environments and

sensitive land uses and noise-sensitive activities;

(iv) Managing the location of sensitive land uses and noise-sensitive activities, particularly in relation to lawfully-established high noise-generating activities;

(v) Requiring acoustic insulation where noise sensitive activities are located within high noise

environments.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail supports the policy, in particular clauses (iii)-(v). These clauses support noise sensitive activities managing reverse sensitivity effects on the railway corridor, including through both setbacks and acoustic design. The terminology used in the policy is 'sensitive land uses'. The policy should be expanded to include 'noise' sensitive activities (as this is also defined in the Plan). A separate KiwiRail submission seeks that the definitions of 'noise sensitive' and 'sensitive' land uses be clarified or combined.

Point Number 986.30

Summary of Decision Requested: **Amend** Objective 6.1.1 Development, operation and maintenance of infrastructure as follows (or similar amendments to achieve the requested relief):

(a) Infrastructure is developed, operated and maintained to benefit the social, economic,

cultural and environmental wellbeing of the district.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail supports the objective seeking that infrastructure is developed, operated and maintained to benefit the social, economic, cultural and environmental well-being of the district but requests that it is amended to have a wider focus, to include national and district benefits of infrastructure but seeks an amendment to recognise the wider benefits of infrastructure within and beyond the district.

Point Number 986.31

Summary of Decision Requested: **Retain** Policy 6.1.2 Development, operation and maintenance as notified.

Decision Reasons:

- KiwiRail supports the policy which provides for the ongoing use, maintenance and development of infrastructure throughout the District. KiwiRail supports policy 6.1.2 as it recognises the benefits infrastructure delivers to the District by enabling network utility operators to operate, maintain, repair, replace, upgrade or remove network utilities in a way which enables the efficient on going use and development of assets. Like other linear networks, the rail network is unable to easily be relocated and therefore supports recognition of issues such as functional need and locational constraints as part of this policy.

Point Number 986.32

Summary of Decision Requested: **Retain** Policy 6.1.3 Technological advances as notified.

Decision Reasons:

- This policy allows for the ongoing improvements created by technological advances and their implementation throughout utility networks. Given the fast pace of change it is important the new operational equipment is enabled to be rolled out quickly under the Plan.

Point Number 986.33

Summary of Decision Requested: **Retain** Policy 6.1.4 Infrastructure benefits as notified.

Decision Reasons:

- Infrastructure development and operations yield significant benefits within the District as recorded in (a) (i) – (vii). These benefits can be maximised by providing for its effective operation, upgrading, maintenance and development.

Point Number 986.34

Summary of Decision Requested: **Retain** Objective 6.1.6 – Reverse sensitivity as notified.

Decision Reasons:

- KiwiRail supports the Plan direction to ensure that subdivision, use and development avoids reverse sensitivity effects. The operation, maintenance and development of the land transport network has the potential to adversely impact on the social and economic wellbeing, as well as the health and safety of the community if not able to operate efficiently, effectively and safely.

Point Number 986.35

Summary of Decision Requested: **Amend** Policy 6.1.7 Reverse sensitivity and infrastructure as follows (or similar amendments to achieve the requested relief):

(a) Avoid reverse sensitivity effects on existing and planned infrastructure from subdivision, use and development as far as reasonably practicable, so that the ongoing and efficient operation of infrastructure is not compromised.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail supports the broad intent to ensure that subdivision, use and development avoids reverse sensitivity effects. The operation, maintenance and development of the land transport network has the potential to adversely impact on the social and economic wellbeing, as well as the health and safety of the community if not able to operate efficiently, effectively and safely. KiwiRail seeks to slightly amend the policy wording to reflect planned as well as existing infrastructure.

Point Number 986.36

Summary of Decision Requested: **Retain** Objective 6.1.8 Infrastructure in the community and identified areas as notified.

Decision Reasons:

- KiwiRail acknowledges that the provision of new infrastructure is influenced by the natural and physical environment within which it is located.

Point Number 986.37

Summary of Decision Requested: **Retain** Policy 6.1.9 Environmental effects, community health, safety and amenity as notified.

Decision Reasons:

- KiwiRail acknowledges that the provision and operation of infrastructure be within appropriate health and safety parameters. This has been addressed in KiwiRail's requests for Plan standards which address both the health and safety of road users and residents.

Point Number 986.38

Summary of Decision Requested: **Retain** Policy 6.4.4 Road and rail network except for the amendments sought below

AND

Amend Policy 6.4.4 Road and rail network as follows (or similar amendments to achieve the requested relief):

6.4.4 Policy – Road and rail Land transport network

(a) Discourage Avoid subdivision, use and development that would compromise:

(i) The road function, as specified in the road hierarchy, or the safety and efficiency of the roading network; and

(ii) The safety and efficiency, including the maintenance, upgrading, development and operation of the railway land transport network.

(b) Avoid reverse sensitivity effects on the land transport network through setbacks and design controls for new residential and other noise sensitive activities established in proximity to existing or planned transport corridors.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail supports the intent of the Policy, which seeks to discourage subdivision, use and development which compromises regional land transport infrastructure (including both road and rail).
- However, it seeks the following amendments:
 - Change the title to reflect that it is specific to land transport networks
 - Use the Resource Management Act 1991 defined word "avoid" rather than "discourage" subdivision; and
 - Take into account the full range of functions and activities on the land transport network (including road and rail).
- KiwiRail also seeks that further arm is added to the policy to address the specific measures sought to be added to the Plan to address reverse sensitivity effects. An additional item is sought to address the mitigation needed through setbacks and acoustic insulation.

Point Number 986.39

Summary of Decision Requested:

Retain Objective 6.5.1(a)(ii) Land transport except for the amendments sought below

AND

Amend Objective 6.5.1(a)(ii) Land transport network as follows (or similar amendments to achieve the requested relief):

(a) An integrated land transport network where:

...

(ii) Adverse effects from the construction, maintenance, upgrading and operation of the transport network are managed.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- The objective is supported as it recognises the integral role transport infrastructure plays in the District and that it meets several key community wellbeings. Development which is inappropriately located can result in adverse effects as well as compromised amenity if not appropriately designed and located.

Point Number 986.40

Summary of Decision Requested:

Retain Policy 6.5.2 Construction and operation of the land transport network except for the amendments sought below

AND

Amend Policy 6.5.2(a)(viii) Construction and operation of the land transport as follows (or similar amendments to achieve the requested relief):

(viii) Discouraging the installation of new at grade road and pedestrian rail level

crossings:

(a) Promote the construction and operation of an efficient, effective, integrated, safe, resilient and sustainable land transport network through:

...

(viii) Discouraging the installation of new at grade road and pedestrian rail level crossings:

(ix) A- Controlling the location of buildings and other visual obstructions within the sightline areas of rail level crossings

(x) B- Railway crossing design in accordance with the requirements of the rail operator.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail supports the policy but considers it would be better expressed as separate items for clarity. KiwiRail supports the policy as it discourages new level crossings on the network. Where any new crossing is sought as part of new development, KiwiRail would need to be formally consulted and approve any proposal. Level crossings are a hazard to both rail and road traffic and every effort should be made to manage risks associated with them.

Point Number 986.41

Summary of Decision Requested:

Amend Policy 6.5.5 Road safety as follows (or similar amendments to achieve the requested relief):

6.5.5 Policy - ~~Road~~ Land transport safety

Ensure that structures, vehicle access, lighting, signage and vegetation are located and designed so as to not compromise the safe and efficient operation of the land transport network, or obscure RAPID numbers.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- Widen to apply to land transport networks which include road and rail. Including vehicle accesses provides further policy support for KiwiRail level crossing standard.

Point Number 986.42

Summary of Decision Requested:

Retain Policy 6.5.7 Vehicle access as notified.

Decision Reasons:

- The policy is supported in that it provides support for Plan rules restricting new access ways near level crossings.

Point Number 986.43

Summary of Decision Requested:

Retain Policy 7.1.3(e) Policy – Heritage items as notified.

Decision Reasons:

- KiwiRail supports the identification and protection of NZ's archaeological and historic heritage. In selected circumstances, the removal of heritage sites is acceptable and the policy provides for an assessment of the reasons for the removal in these (relatively rare) occurrences.

Point Number 986.44

Summary of Decision Requested: **Retain** the definition of "infrastructure" in Chapter 13 Definitions as notified.

Decision Reasons:

- KiwiRail support that this replicates the definition in s2 of the RMA, and that at (g) this includes rail. This is consistent with the Proposed National Planning Standards.

Point Number 986.45

Summary of Decision Requested: **Retain** the definition of "network utility operator" in Chapter 13 Definitions as notified.

Decision Reasons:

- KiwiRail supports that the definition directly references s166 of the Resource Management Act including at (f) it includes rail. This is consistent with the Proposed National Standards.

Point Number 986.46

Summary of Decision Requested: **Add** a definition for "reverse sensitivity" to Chapter 13 Definitions based on the Proposed National Planning Standards as follows (or similar amendments to achieve the requested relief):

means the potential for the operation of an existing lawfully established activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an existing activity;

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- The definition for reverse sensitivity is sought to be added to support KiwiRail's requested measures to avoid and manage reverse sensitivity effects.

Point Number 986.47

Summary of Decision Requested: **Amend** the definition of "Road network activities" in Chapter 13 Definitions as follows (or similar amendments to achieve the requested relief):

~~Road~~ Land transport network activities

Means road or rail infrastructure and transport services provided within a land transport network corridor, the road, including:

...

(p) railway tracks, bridges, tunnels, signaling, access tracks and facilities

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- The 'road network activities' definition contains specific road and rail activities and others which could equally apply to all land based linear transport networks including rail. The definition should be amended to clarify that it provides coverage for all listed infrastructure activities within the railway corridor by changing the definition to 'road and rail network activities'.

Point Number 986.48

Summary of Decision Requested: **Amend** the definition of "noise-sensitive activity" in Chapter 13 Definitions as follows (or similar amendments to achieve the requested relief):

Means the following:

buildings used for residential activities, including boarding establishments, rest homes, retirement villages, papakainga housing development, in-house aged care facilities, travellers' accommodation, and other buildings used for residential accommodation but excluding

(a) camping grounds;

(b) marae and marae complex;

(c) hospitals;

(d) educational facilities including teaching areas and sleeping rooms in an education facility and student accommodation;

(e) places of assembly.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- The definitions of noise sensitive activity and sensitive land use are used interchangeably in the Proposed Plan. KiwiRail seeks changes to the definition of 'noise sensitive activity' to better align it with its proposed noise and vibration standards to address reverse sensitivity in the Plan.
- The definition of noise sensitive activity proposed is wider than the proposed definition for 'sensitive activity'. KiwiRail would support the definitions being consolidated; as it could be confusing when using the Plan when there are two very similar terms.

Point Number

986.49

Summary of Decision Requested:

Retain the definition of "sensitive land use" in Chapter 13 Definitions except for the amendments sought below;

AND

Amend the definition of "sensitive land use" in Chapter 13 Definitions except for the amendments sought below (or similar amendments to achieve the requested relief):

Means

(a) an education facility including a childcare facility, waananga and koohanga reo;

(b) a residential activity, including papakainga building, rest home, retirement village, travellers' accommodation, home stay; or

(c) health facility or hospital.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail supports the definition of sensitive land use, but considers it should be amended to provide clarity as to the activities that fall within the definition. As notified, the definition could be read as saying that all sensitive land uses are education facilities.

Point Number

986.50

Summary of Decision Requested:

Amend the definition of "forestry" in Chapter 13 Definitions as follows (or similar amendments to achieve the requested relief):

Means the planting and growing of trees (including shelterbelts and woodlots) and is an integrated land use including land preparation, roading, tree planting and maintenance (i.e. thinning, pruning, noxious weeds and animal control) and harvesting of trees and includes the use of accessory buildings, but not the establishment and/or use of permanent sawmills or other methods of timber processing.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- The National Environmental Standards for Plantation Forestry defines afforestation as 'planting and growing plantation forestry trees on land where there is no plantation forestry and where plantation forestry harvesting has not occurred within the last 5 years'.
- Other Plan definitions do not cover small woodlots, nor shelter belts. The planting of shelter belts and woodlots poses a similar risk and danger to the operation of the railway network as commercial forestry.
- When planted near to the rail corridor, woodlot or commercial forestry species can intrude into sight lines which raises particular safety issues at level crossings and around curves. Such plantings often also drop branches or leaves onto the rail corridor, increasing the risk of derailment.
- Trains cannot stop in a hurry, nor are they able to drive over such impediments. Roots from trees can also result in undermining of the rail corridor through the creation of mud spots.
- Mud spots occur where ballast under the rails is removed. When a train goes over a mud spot, the track bounces, creating a risk that either the track breaks or the train derails.
- Further, replanting trees often get closer and closer to the boundary and can end up encroaching into rail land.
- Modifying the Plan's definition of 'forestry' as sought supports a new rule seeking a 10m setback from the operational railway corridor.

Point Number

986.51

Summary of Decision Requested:

Add to Chapter 14 Infrastructure a new rule section called "Rules applying to development adjacent to railway corridors" applying to new, or alterations to buildings for any Noise Sensitive Activity at any point within 100 metres from the legal boundary of any railway network (see submission for details of provisions sought to be added, or similar amendments to achieve the requested relief). This includes a new Schedule and additions to Appendix I.

OR

Add a new rule for new or alterations to buildings for any noise sensitive activity at any point within 100 metres from the legal boundary of any railway network to the following chapters (see submission for details of provisions sought to be added, or similar amendments to achieve the requested relief):

- Chapter 16: Residential zone
- Chapter 17: Business zone
- Chapter 18: Business town Centre zone
- Chapter 20: Industrial zone
- Chapter 21: Industrial zone heavy
- Chapter 22: Rural zone
- Chapter 23: Country Living
- Chapter 24: Village zone
- Chapter 25: Reserve zone

This includes a new Schedule and additions to Appendix I.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail seeks that provisions be inserted requiring all new, or alterations to, buildings for noise sensitive activities be appropriately mitigated in relation to rail noise and vibration.
- The proposed Plan acknowledges reverse sensitivity with some supportive policies and objectives, which are supported by KiwiRail but does not contain a definition of reverse sensitivity – which is sought by KiwiRail.

- The Plan protects some activities sensitive to noise but not the effects from operational railway and road noise and vibration within in the District.
- The KiwiRail submission seeks to introduce new rule, which has been developed collaboratively with NZTA , providing for the Plan and developers to ensure potential adverse effects (including conflicts between incompatible activities and associated reverse sensitivity effects) are mitigated (where they cannot be avoided). Two options are proposed:
 - o The first, which is KiwiRail's preferred option, is to locate the Rule where it will apply to all plan zones; or
 - o Alternatively, add the Rule to each of the zones where state highways or rail networks are located.
- The rail network operates 24 hours a day, 7 days a week operation, and the frequency, length and weight of trains can change without community consultation. Noise and vibration effects can interrupt people's amenity and enjoyment of their dwelling, as well as people's ability to sleep. Appropriate mitigation, installed to ensure that the health and wellbeing of those living near to the rail network is not adversely affected, is pivotal to ensure that undue restrictions are not placed on the operation of the rail network.
- Part 2 of the Act supports the efficient use and development of the rail network while also enabling people and communities to provide for their well-being and their health and safety. An appropriate balance needs to be achieved between ensuring the rail network is efficiently utilised and adjacent development can be facilitated, without compromising safety of people and communities.
- The new Rule provides for new or altered buildings within 100m of the railway boundary, which can achieve the required internal noise standard, to be permitted activities. Where windows need to be closed to achieve the desired internal noise levels then ventilation performance is prescribed.
- Where a new or altered building is 50m away from the railway corridor boundary and there is a line of sight i.e. a cut or a physical barrier removing line of sight to 3.8m high, this can also be assessed as a permitted activity.
- Enhancements to building are best achieved at the time of construction. The further removed from the rail corridor a building is, the less additional mitigation may be required. The noise level proposed is in accordance with World Health Organisation standards.
- The mitigation for reverse sensitivity effects proposed through these provisions reflects that in some circumstances, e.g. smaller residential sites near the rail corridor, requiring a greater setback from the rail boundary as a means of addressing noise and vibration effects may not always be practicable. The rules seek to ensure that building development options can still maximise the use of a site, while at the same time having standards for mitigating noise and vibration effects arising from the rail corridor.
- Plan-wide rules are already included in the proposed Plan in respect of other types of infrastructure, including for example the National Grid.

Point Number

986.52

Summary of Decision Requested:

Add a new Restricted Discretionary Activity applying to development adjacent to railway corridors in Chapter 14 Infrastructure which does not comply with the new performance standard sought in the preceding KiwiRail submission point (see submission for details of provisions sought to be added, or similar amendments to achieve the requested relief).

OR

Add a new Restricted Discretionary Activity or, where there are no current listed restricted

discretionary activities in the zone, introduce a new restricted discretionary activity, to each of the zones listed below (see submission for details of provisions sought to be added, or similar amendments to achieve the requested relief):

- Chapter 16: Residential 16.1.3
- Chapter 17: Business 17.1.3
- Chapter 18: Business Town Centre 18.1.3
- Chapter 20: Industrial 20.1
- Chapter 21: Industrial Heavy 21.1
- Chapter 22: Rural 22.1.3
- Chapter 23: Country Living 23.1
- Chapter 24: Village 24.1
- Chapter 25: Reserve 25.1

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- In view of the KiwiRail request to add a Permitted Activity Rule in submission 51, new Restricted Discretionary activity criteria are required. It is noted that some zones have a Restricted Discretionary Activity category and others do not.
- KiwiRail's policy is to seek Restricted Discretionary Activity status for non-compliance with its noise and vibration performance standards. The criteria allow for a bespoke consideration of site specific effects.

Point Number

986.53

Summary of Decision Requested:

Amend Rule 16.3.9.2 Building setback – Sensitive land use as follows (or similar amendments to achieve the requested relief):

Building setback – Sensitive land use

P1 Sensitive land use

(a) Any new building or alteration to an existing building for a sensitive land use must

be set back a minimum of:

(i) 5m from the designated boundary of the railway corridor

...

P2 Railway corridor

any new buildings or alterations to an existing building must be setback 5 metres from any designated railway corridor boundary.

OR

Retain Rule 16.3.9.2 P1 (a)(i) Building setback -sensitive land use if the primary relief above is not accepted

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail seeks that a 5metre setback apply to all new building development adjacent to operational railway corridor boundaries (i.e. not just sensitive land uses). Ensuring all new structures in all zones are set back from the rail corridor allows access and maintenance to occur without the landowner or occupier needing to gain access to the rail corridor- potentially compromising their own safety.
- Setting back buildings from the rail corridor boundary is a means of ensuring people's health and wellbeing through good design.
- Construction of buildings in close proximity to the rail corridor has significant safety risk if it is not managed appropriately in accordance with relevant standards.
- A 5m setback is not an acoustic setback. It allows for vehicular access to the backs of buildings (e.g. a cherry picker) and would also

allow scaffolding to be erected safely. This in turn fosters visual amenity as lineside properties can then be regularly maintained.

- A setback is the most efficient method of ensuring intensification does not result in additional safety issues for activities adjacent to the rail corridor, whilst not restricting the ongoing operation and growth of activity within the rail corridor;
- The proposed provisions would require any development within the setback to obtain consent with matters of discretion relating to:
 - (i) location, design and use of the proposed building or structure as it relates to the rail network
 - (ii) impacts on the safe operation, maintenance and development of the rail network
 - (iii) construction and maintenance management.
- The relief provides for the rejection of the primary relief. This setback applies only to sensitive land use buildings which does not achieve the safety and amenity benefits sought throughout the district.

Point Number 986.54

Summary of Decision Requested: **Amend** Rule 22.3.7.2 Building setback sensitive land use as follows (or similar amendments to achieve the requested relief):

Building setback sensitive land use

P1 Sensitive land use

(a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of:

(i) 5m from the designated boundary of the railway corridor

...

P2 Railway corridor

any new buildings or alterations to an existing building must be setback 5 metres from any designated railway corridor boundary.

OR

Retain Rule 22.3.7.2 P1 (a)(i) Building setback sensitive land use if the primary relief above is not accepted

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail seeks that a 5metre setback apply to all new building development adjacent to operational railway corridor boundaries (i.e. not just sensitive land uses). Ensuring all new structures in all zones are set back from the rail corridor allows access and maintenance to occur without the landowner or occupier needing to gain access to the rail corridor- potentially compromising their own safety.
- Setting back buildings from the rail corridor boundary is a means of ensuring people's health and wellbeing through good design.
- Construction of buildings in close proximity to the rail corridor has significant safety risk if it is not managed appropriately in accordance with relevant standards.
- A 5m setback is not an acoustic setback. It allows for vehicular access to the backs of buildings (e.g. a cherry picker) and would also allow scaffolding to be erected safely. This in turn fosters visual amenity as lineside properties can then be regularly maintained.
- A setback is the most efficient method of ensuring intensification does not result in additional safety issues for activities adjacent to the rail corridor, whilst not restricting the ongoing operation and growth of activity within the rail corridor;
- The proposed provisions would require any development within the setback to obtain consent with matters of discretion relating to:
 - (i) location, design and use of the proposed building or structure as it relates to the rail network
 - (ii) impacts on the safe operation, maintenance and development of the rail network
 - (iii) construction and maintenance management.
- The relief provides for the rejection of the primary relief. This setback applies only to sensitive land use buildings which does not achieve the safety and amenity benefits sought throughout the district.

Point Number 986.55

Summary of Decision Requested: **Amend** Rule 23.3.7.2 Building setback sensitive land use as follows (or similar amendments to achieve the requested relief):

Building setback sensitive land use

P1 Sensitive land use

(a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of:

(i) 5m from the designated boundary of the railway corridor

...

P2 Railway corridor

any new buildings or alterations to an existing building must be setback 5 metres from any designated railway corridor boundary.

OR

Retain Rule 23.3.7.2 P1 (a)(i) Building setback sensitive land use if the primary relief above is not accepted

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail seeks that a 5metre setback apply to all new building development adjacent to operational railway corridor boundaries (i.e. not just sensitive land uses). Ensuring all new structures in all zones are set back from the rail corridor allows access and maintenance to occur without the landowner or occupier needing to gain access to the rail corridor- potentially compromising their own safety.
- Setting back buildings from the rail corridor boundary is a means of ensuring people's health and wellbeing through good design.
- Construction of buildings in close proximity to the rail corridor has significant safety risk if it is not managed appropriately in accordance with relevant standards.
- A 5m setback is not an acoustic setback. It allows for vehicular access to the backs of buildings (e.g. a cherry picker) and would also allow scaffolding to be erected safely. This in turn fosters visual amenity as lineside properties can then be regularly maintained.
- A setback is the most efficient method of ensuring intensification does not result in additional safety issues for activities adjacent to the rail corridor, whilst not restricting the ongoing operation and growth of activity within the rail corridor;
- The proposed provisions would require any development within the setback to obtain consent with matters of discretion relating to:
 - (i) location, design and use of the proposed building or structure as it relates to the rail network
 - (ii) impacts on the safe operation, maintenance and development of the rail network
 - (iii) construction and maintenance management.

* The relief provides for the rejection of the primary relief. This setback applies only to sensitive land use buildings which does not achieve the safety and amenity benefits sought throughout the district.

Point Number 986.56

Summary of Decision Requested: Amend Rule 24.3.6.2 Building setback - sensitive land use as follows (or similar amendments to achieve the requested relief):

Building setback – Sensitive land use

P1 Sensitive land use

(a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of:

(i) 5m from the designated boundary of the railway corridor

...

P2 Railway corridor

any new buildings or alterations to an existing building must be setback 5 metres from any designated railway corridor boundary

OR

Retain Rule 24.3.6.2 P1(a)(i) Building setback -sensitive land use if the primary relief above is not accepted

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

* KiwiRail seeks that a 5metre setback apply to all new building development adjacent to operational railway corridor boundaries (i.e. not just sensitive land uses). Ensuring all new structures in all zones are set back from the rail corridor allows access and maintenance to occur without the landowner or occupier needing to gain access to the rail corridor- potentially compromising their own safety.

* Setting back buildings from the rail corridor boundary is a means of ensuring people's health and wellbeing through good design.

* Construction of buildings in close proximity to the rail corridor has significant safety risk if it is not managed appropriately in accordance with relevant standards.

* A 5m setback is not an acoustic setback. It allows for vehicular access to the backs of buildings (e.g. a cherry picker) and would also allow scaffolding to be erected safely. This in turn fosters visual amenity as lineside properties can then be regularly maintained.

* A setback is the most efficient method of ensuring intensification does not result in additional safety issues for activities adjacent to the rail corridor, whilst not restricting the ongoing operation and growth of activity within the rail corridor.

* The proposed provisions would require any development within the setback to obtain consent with matters of discretion relating to:

(i) location, design and use of the proposed building or structure as it relates to the rail network

(ii) impacts on the safe operation, maintenance and development of the rail network

(iii) construction and maintenance management.

* The relief provides for the rejection of the primary relief. This setback applies only to sensitive land use buildings which does not achieve the safety and amenity

Point Number 986.57

Summary of Decision Requested: Add a new rule to Rule 17.3.4 Building setbacks as follows (or similar amendments to achieve the requested relief):

Building setback - railway corridor

(a) any new buildings or alterations to an existing building must be setback 5 metres from any designated railway corridor boundary

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

* KiwiRail seeks that a 5 metre setback apply to all new building development adjacent to operational railway corridor boundaries (i.e. not just sensitive land uses).

* Ensuring all new structures in all zones are set back from the rail corridor allows access and maintenance to occur without the landowner or occupier needing to gain access to the rail corridor- potentially compromising their own safety. For these safety reasons setting back buildings from the rail corridor boundary is a means of ensuring people's health and wellbeing through good design.

* Construction of buildings in close proximity to the rail corridor has significant safety risk if it is not managed appropriately in accordance with relevant standards.

* A 5m setback allows for vehicular access to the backs of buildings (e.g. a cherry picker) and would also allow scaffolding to be erected safely. This in turn fosters visual amenity as lineside properties can then be regularly maintained. A setback is the most efficient method of ensuring intensification does not result in additional safety issues for activities adjacent to the rail corridor, whilst not restricting the ongoing operation and growth of activity within the rail corridor.

* The proposed provisions would require any development within the setback to obtain consent with matters of discretion relating to:

(i) location, design and use of the proposed building or structure as it relates to the rail network

(ii) impacts on the safe operation, maintenance and development of the rail network

(iii) construction and maintenance management.

Point Number 986.58

Summary of Decision Requested: Add a new rule to Rule 18.3 Land use - Building as follows (or similar amendments to achieve the requested relief):

Building setback - railway corridor

(a) any new buildings or alterations to an existing building must be setback 5 metres from any designated railway corridor boundary

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

* KiwiRail seeks that a 5 metre setback apply to all new building development adjacent to operational railway corridor boundaries (i.e. not just sensitive land uses).

* Ensuring all new structures in all zones are set back from the rail corridor allows access and maintenance to occur without the landowner or occupier needing to gain access to the rail corridor- potentially compromising their own safety. For these safety reasons setting back buildings from the rail corridor boundary is a means of ensuring people's health and wellbeing through good design.

- Construction of buildings in close proximity to the rail corridor has significant safety risk if it is not managed appropriately in accordance with relevant standards.
- A 5m setback allows for vehicular access to the backs of buildings (e.g. a cherry picker) and would also allow scaffolding to be erected safely. This in turn fosters visual amenity as lineside properties can then be regularly maintained. A setback is the most efficient method of ensuring intensification does not result in additional safety issues for activities adjacent to the rail corridor; whilst not restricting the ongoing operation and growth of activity within the rail corridor;
- The proposed provisions would require any development within the setback to obtain consent with matters of discretion relating to:
 - (i) location, design and use of the proposed building or structure as it relates to the rail network
 - (ii) impacts on the safe operation, maintenance and development of the rail network
 - (iii) construction and maintenance management.

Point Number 986.59

Summary of Decision Requested: **Add a new rule to Rule 20.3.4 Building setbacks as follows (or similar amendments to achieve the requested relief):**

Building setback - railway corridor

(a) any new buildings or alterations to an existing building must be setback 5 metres from any designated railway corridor boundary.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail seeks that a 5 metre setback apply to all new building development adjacent to operational railway corridor boundaries (i.e. not just sensitive land uses).
- Ensuring all new structures in all zones are set back from the rail corridor allows access and maintenance to occur without the landowner or occupier needing to gain access to the rail corridor- potentially compromising their own safety. For these safety reasons setting back buildings from the rail corridor boundary is a means of ensuring people's health and wellbeing through good design.
- Construction of buildings in close proximity to the rail corridor has significant safety risk if it is not managed appropriately in accordance with relevant standards.
- A 5m setback allows for vehicular access to the backs of buildings (e.g. a cherry picker) and would also allow scaffolding to be erected safely. This in turn fosters visual amenity as lineside properties can then be regularly maintained. A setback is the most efficient method of ensuring intensification does not result in additional safety issues for activities adjacent to the rail corridor; whilst not restricting the ongoing operation and growth of activity within the rail corridor;
- The proposed provisions would require any development within the setback to obtain consent with matters of discretion relating to:
 - (i) location, design and use of the proposed building or structure as it relates to the rail network
 - (ii) impacts on the safe operation, maintenance and development of the rail network
 - (iii) construction and maintenance management.

Point Number 986.60

Summary of Decision Requested: **Add a new rule to Rule 21.3.4 Building setbacks as follows (or similar amendments to achieve the requested relief):**

Building setback - railway corridor

(a) any new buildings or alterations to an existing building must be setback 5 metres from any designated railway corridor boundary.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail seeks that a 5 metre setback apply to all new building development adjacent to operational railway corridor boundaries (i.e. not just sensitive land uses).
- Ensuring all new structures in all zones are set back from the rail corridor allows access and maintenance to occur without the landowner or occupier needing to gain access to the rail corridor- potentially compromising their own safety. For these safety reasons setting back buildings from the rail corridor boundary is a means of ensuring people's health and wellbeing through good design.
- Construction of buildings in close proximity to the rail corridor has significant safety risk if it is not managed appropriately in accordance with relevant standards.
- A 5m setback allows for vehicular access to the backs of buildings (e.g. a cherry picker) and would also allow scaffolding to be erected safely. This in turn fosters visual amenity as lineside properties can then be regularly maintained. A setback is the most efficient method of ensuring intensification does not result in additional safety issues for activities adjacent to the rail corridor; whilst not restricting the ongoing operation and growth of activity within the rail corridor;
- The proposed provisions would require any development within the setback to obtain consent with matters of discretion relating to:
 - (i) location, design and use of the proposed building or structure as it relates to the rail network
 - (ii) impacts on the safe operation, maintenance and development of the rail network
 - (iii) construction and maintenance management.

Point Number 986.61

Summary of Decision Requested: **Add a new rule to Rule 25.3.5 Building setbacks as follows (or similar amendments to achieve the requested relief):**

Building setback - railway corridor

(a) any new buildings or alterations to an existing building must be setback 5 metres from any designated railway corridor boundary.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail seeks that a 5 metre setback apply to all new building development adjacent to operational railway corridor boundaries (i.e. not just sensitive land uses).
- Ensuring all new structures in all zones are set back from the rail corridor allows access and maintenance to occur without the landowner or occupier needing to gain access to the rail corridor- potentially compromising their own safety. For these safety reasons setting back buildings from the rail corridor boundary is a means of ensuring people's health and wellbeing through good design.
- Construction of buildings in close proximity to the rail corridor has significant safety risk if it is not managed appropriately in accordance with relevant standards.
- A 5m setback allows for vehicular access to the backs of buildings (e.g. a cherry picker) and would also allow scaffolding to be erected safely. This in turn fosters visual amenity as lineside properties can then be regularly maintained. A setback is the most efficient method of ensuring intensification does not result in additional safety issues for activities adjacent to the rail corridor; whilst not restricting the ongoing operation and growth of activity within the rail corridor;

- The proposed provisions would require any development within the setback to obtain consent with matters of discretion relating to:
 - (i) location, design and use of the proposed building or structure as it relates to the rail network
 - (ii) impacts on the safe operation, maintenance and development of the rail network
 - (iii) construction and maintenance management.

Point Number 986.62

Summary of Decision Requested:

Add new matters of discretion relating to non-compliance with the 5m Building setback

- railway corridor (sought elsewhere in other submission points) in Rule 16.1 Land Use Activities as follows (or similar amendments to achieve the requested relief):

1. The size, nature and location of the buildings on the site.

2. The extent to which the safety and efficiency of rail and road operations will be adversely affected.

3. The outcome of any consultation with KiwiRail.

4. Any characteristics of the proposed use that will make compliance unnecessary.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail accepts that there will be at times situations where the proposed 5 metre Building setback - railway corridor rule cannot be met, or it is inappropriate to require compliance.
- It is noted that some zones have restricted discretionary activity categories and some don't. It's been KiwiRail's policy to seek restricted discretionary activity status for non-compliance with its noise and vibration performance standards. The criteria allow for a bespoke consideration of site specific effects.
- Application for resource consent under this rule can be decided without public notification. KiwiRail are likely to be the only affected person determined in accordance with section 95B of the Resource Management Act 1991.

Point Number 986.63

Summary of Decision Requested:

Add new matters of discretion relating to non-compliance with the 5m Building setback

- railway corridor (sought elsewhere in other submission points) in Rule 17.1 Land Use Activities as follows (or similar amendments to achieve the requested relief):

1. The size, nature and location of the buildings on the site.

2. The extent to which the safety and efficiency of rail and road operations will be adversely affected.

3. The outcome of any consultation with KiwiRail.

4. Any characteristics of the proposed use that will make compliance unnecessary.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail accepts that there will be at times situations where the proposed 5 metre Building setback - railway corridor rule cannot be met, or it is inappropriate to require compliance.
- It is noted that some zones have restricted discretionary activity categories and some don't. It's been KiwiRail's policy to seek restricted discretionary activity status for non-compliance with its noise and vibration performance standards. The criteria allow for a bespoke consideration of site specific effects.
- Application for resource consent under this rule can be decided without public notification. KiwiRail are likely to be the only affected person determined in accordance with section 95B of the Resource Management Act 1991.

Point Number 986.64

Summary of Decision Requested:

Add new matters of discretion relating to non-compliance with the 5m Building setback

- railway corridor (sought elsewhere in other submission points) in Rule 18.1 Land Use Activities as follows (or similar amendments to achieve the requested relief):

1. The size, nature and location of the buildings on the site.

2. The extent to which the safety and efficiency of rail and road operations will be adversely affected.

3. The outcome of any consultation with KiwiRail.

4. Any characteristics of the proposed use that will make compliance unnecessary.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail accepts that there will be at times situations where the proposed 5 metre Building setback - railway corridor rule cannot be met, or it is inappropriate to require compliance.
- It is noted that some zones have restricted discretionary activity categories and some don't. It's been KiwiRail's policy to seek restricted discretionary activity status for non-compliance with its noise and vibration performance standards. The criteria allow for a bespoke consideration of site specific effects.
- Application for resource consent under this rule can be decided without public notification. KiwiRail are likely to be the only affected person determined in accordance with section 95B of the Resource Management Act 1991.

Point Number 986.65

Summary of Decision Requested: **Add new matters of discretion relating to non-compliance with the 5m Building setback**
- railway corridor (sought elsewhere in other submission points) in Rule 20.1 Land Use Activities as follows (or similar amendments to achieve the requested relief):
1. The size, nature and location of the buildings on the site.
2. The extent to which the safety and efficiency of rail and road operations will be adversely affected.
3. The outcome of any consultation with KiwiRail.
4. Any characteristics of the proposed use that will make compliance unnecessary.
AND
Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail accepts that there will be at times situations where the proposed 5 metre Building setback - railway corridor rule cannot be met, or it is inappropriate to require compliance.
- It is noted that some zones have restricted discretionary activity categories and some don't. It's been KiwiRail's policy to seek restricted discretionary activity status for non-compliance with its noise and vibration performance standards. The criteria allow for a bespoke consideration of site specific effects.
- Application for resource consent under this rule can be decided without public notification. KiwiRail are likely to be the only affected person determined in accordance with section 95B of the Resource Management Act 1991.

Point Number 986.66

Summary of Decision Requested: **Add new matters of discretion relating to non-compliance with the 5m Building setback**
- railway corridor (sought elsewhere in other submission points) in Rule 21.1 Land Use Activities as follows (or similar amendments to achieve the requested relief):
1. The size, nature and location of the buildings on the site.
2. The extent to which the safety and efficiency of rail and road operations will be adversely affected.
3. The outcome of any consultation with KiwiRail.
4. Any characteristics of the proposed use that will make compliance unnecessary.
AND
Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail accepts that there will be at times situations where the proposed 5 metre Building setback - railway corridor rule cannot be met, or it is inappropriate to require compliance.
- It is noted that some zones have restricted discretionary activity categories and some don't. It's been KiwiRail's policy to seek restricted discretionary activity status for non-compliance with its noise and vibration performance standards. The criteria allow for a bespoke consideration of site specific effects.
- Application for resource consent under this rule can be decided without public notification. KiwiRail are likely to be the only affected person determined in accordance with section 95B of the Resource Management Act 1991.

Point Number 986.67

Summary of Decision Requested: **Add new matters of discretion relating to non-compliance with the 5m Building setback**
- railway corridor (sought elsewhere in other submission points) in Rule 22.1 Land Use Activities as follows (or similar amendments to achieve the requested relief):
1. The size, nature and location of the buildings on the site.
2. The extent to which the safety and efficiency of rail and road operations will be adversely affected.
3. The outcome of any consultation with KiwiRail.
4. Any characteristics of the proposed use that will make compliance unnecessary.
AND
Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail accepts that there will be at times situations where the proposed 5 metre Building setback - railway corridor rule cannot be met, or it is inappropriate to require compliance.
- It is noted that some zones have restricted discretionary activity categories and some don't. It's been KiwiRail's policy to seek restricted discretionary activity status for non-compliance with its noise and vibration performance standards. The criteria allow for a bespoke consideration of site specific effects.
- Application for resource consent under this rule can be decided without public notification. KiwiRail are likely to be the only affected person determined in accordance with section 95B of the Resource Management Act 1991.

Point Number 986.68

Summary of Decision Requested:

Add new matters of discretion relating to non-compliance with the 5m Building setback

- railway corridor (sought elsewhere in other submission points) in Rule 23.1 Land Use Activities as follows (or similar amendments to achieve the requested relief):

1. The size, nature and location of the buildings on the site.

2. The extent to which the safety and efficiency of rail and road operations will be

adversely affected.

3. The outcome of any consultation with KiwiRail.

4. Any characteristics of the proposed use that will make compliance unnecessary.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail accepts that there will be at times situations where the proposed 5 metre Building setback - railway corridor rule cannot be met, or it is inappropriate to require compliance.
- It is noted that some zones have restricted discretionary activity categories and some don't. It's been KiwiRail's policy to seek restricted discretionary activity status for non-compliance with its noise and vibration performance standards. The criteria allow for a bespoke consideration of site specific effects.
- Application for resource consent under this rule can be decided without public notification. KiwiRail are likely to be the only affected person determined in accordance with section 95B of the Resource Management Act 1991.

Point Number

986.69

Summary of Decision Requested:

Add new matters of discretion relating to non-compliance with the 5m Building setback

- railway corridor (sought elsewhere in other submission points) in Rule 24.1 Land Use Activities as follows (or similar amendments to achieve the requested relief):

1. The size, nature and location of the buildings on the site.

2. The extent to which the safety and efficiency of rail and road operations will be

adversely affected.

3. The outcome of any consultation with KiwiRail.

4. Any characteristics of the proposed use that will make compliance unnecessary.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail accepts that there will be at times situations where the proposed 5 metre Building setback - railway corridor rule cannot be met, or it is inappropriate to require compliance.
- It is noted that some zones have restricted discretionary activity categories and some don't. It's been KiwiRail's policy to seek restricted discretionary activity status for non-compliance with its noise and vibration performance standards. The criteria allow for a bespoke consideration of site specific effects.
- Application for resource consent under this rule can be decided without public notification. KiwiRail are likely to be the only affected person determined in accordance with section 95B of the Resource Management Act 1991.

Point Number

986.70

Summary of Decision Requested:

Add new matters of discretion relating to non-compliance with the 5m Building setback

- railway corridor (sought elsewhere in other submission points) in Rule 25.1 Land Use Activities as follows (or similar amendments to achieve the requested relief):

1. The size, nature and location of the buildings on the site.

2. The extent to which the safety and efficiency of rail and road operations will be

adversely affected.

3. The outcome of any consultation with KiwiRail.

4. Any characteristics of the proposed use that will make compliance unnecessary.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail accepts that there will be at times situations where the proposed 5 metre Building setback - railway corridor rule cannot be met, or it is inappropriate to require compliance.
- It is noted that some zones have restricted discretionary activity categories and some don't. It's been KiwiRail's policy to seek restricted discretionary activity status for non-compliance with its noise and vibration performance standards. The criteria allow for a bespoke consideration of site specific effects.
- Application for resource consent under this rule can be decided without public notification. KiwiRail are likely to be the only affected person determined in accordance with section 95B of the Resource Management Act 1991.

Point Number

986.71

Summary of Decision Requested:

Amend Policy 4.2.5 – Setback: Side boundaries as follows (or similar amendments to achieve the requested relief):

4.2.5 Policy – Setback: Side boundaries

(a) Require development to have sufficient side boundary setbacks to provide for:

...

(c) Manage Reverse sensitivity by providing sufficient setbacks buildings to provide for

residents' safety and amenity.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- The policies applying to each zone requiring setbacks from the railway corridor should include reference to the purpose of the setback.
- Existing and sought changes to the Plans objectives lend sufficient support the need for setbacks for amenity and safety, and the efficient integration of development and infrastructure.
- Adding an additional item to these plan sections will also facilitate assessment of situations where the proposed 5 metre Building setback - railway corridor rule cannot be met, or it is inappropriate to require compliance.

Point Number

986.72

Summary of Decision Requested:

Add a new clause (b) to Policy 4.3.5 Building setbacks as follows (or similar amendments to achieve the requested relief):

(a) Maintain existing and promote new vistas and views between buildings in the Village Zone when viewed from a road.

(b) Manage Reverse sensitivity by providing sufficient setbacks buildings to provide for

residents' safety and amenity.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- The policies applying to each zone requiring setbacks from the railway corridor should include reference to the purpose of the setback.
- Existing and sought changes to the Plans objectives lend sufficient support the need for setbacks for amenity and safety, and the efficient integration of development and infrastructure.
- Adding an additional item to these plan sections will also facilitate assessment of situations where the proposed 5 metre Building setback - railway corridor rule cannot be met, or it is inappropriate to require compliance.

Point Number

986.73

Summary of Decision Requested:

Add a new clause (b) to Policy 4.6.7 Management of adverse effects within industrial zones as follows (or similar amendments to achieve the requested relief):

(a) Manage adverse effects including visual impact from buildings, parking, loading spaces and outdoor storage, lighting, noise, odour and traffic by managing the location of industrial uses, bulk and form of buildings, landscaping and screening at the interface with roads and environmentally sensitive areas.

(b) Manage Reverse sensitivity by providing sufficient setbacks buildings to provide for

residents' safety and amenity.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- The policies applying to each zone requiring setbacks from the railway corridor should include reference to the purpose of the setback.
- Existing and sought changes to the Plans objectives lend sufficient support the need for setbacks for amenity and safety, and the efficient integration of development and infrastructure.
- Adding an additional item to these plan sections will also facilitate assessment of situations where the proposed 5 metre Building setback - railway corridor rule cannot be met, or it is inappropriate to require compliance.

Point Number

986.74

Summary of Decision Requested:

Add a new clause (b) to Policy 5.6.4 Building setbacks as follows (or similar amendments to achieve the requested relief):

(a) Maintain the existing spaciousness between buildings with adjoining sites.

(b) Manage Reverse sensitivity by providing sufficient setbacks buildings to provide for

residents' safety and amenity.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- The policies applying to each zone requiring setbacks from the railway corridor should include reference to the purpose of the setback.
- Existing and sought changes to the Plans objectives lend sufficient support the need for setbacks for amenity and safety, and the efficient integration of development and infrastructure.
- Adding an additional item to these plan sections will also facilitate assessment of situations where the proposed 5 metre Building setback - railway corridor rule cannot be met, or it is inappropriate to require compliance.

Point Number 986.75

Summary of Decision Requested: **Add** a new clause (e) to Policy 8.1.2 Provision, use and development of public open space and reserves as follows (or similar amendments to achieve the requested relief):

(e) Manage Reverse sensitivity by providing sufficient setbacks buildings to provide for residents' safety and amenity

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- The policies applying to each zone requiring setbacks from the railway corridor should include reference to the purpose of the setback.
- Existing and sought changes to the Plans objectives lend sufficient support the need for setbacks for amenity and safety, and the efficient integration of development and infrastructure.
- Adding an additional item to these plan sections will also facilitate assessment of situations where the proposed 5 metre Building setback - railway corridor rule cannot be met, or it is inappropriate to require compliance.

Point Number 986.76

Summary of Decision Requested: **Add** a new clause (b) to Policy 4.5.33 Reverse sensitivity as follows (or similar amendments to achieve the requested relief):

(a) Reverse sensitivity is managed by ensuring residential activities and development within the Business Town Centre Zone and Business Zone are acoustically insulated to mitigate the adverse effects of noise.

(b) Reverse sensitivity is managed by providing sufficient setbacks to provide for residents' safety and amenity

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- The policies applying to each zone requiring setbacks from the railway corridor should include reference to the purpose of the setback.
- Existing and sought changes to the Plans objectives lend sufficient support the need for setbacks for amenity and safety, and the efficient integration of development and infrastructure.
- Adding an additional item to these plan sections will also facilitate assessment of situations where the proposed 5 metre Building setback - railway corridor rule cannot be met, or it is inappropriate to require compliance.

Point Number 986.77

Summary of Decision Requested: **Retain** Rule 14.2.1 P1 Permitted activities as notified.

AND

Retain Rule 14.2.1 P2 Permitted activities as notified.

Decision Reasons:

- KiwiRail supports P1 as this provides for the maintenance of the railway network.
- KiwiRail supports P2 as it enables the maintenance upgrading and operation of land transport networks across a range of routine activities within reasonable parameters.

Point Number 986.78

Summary of Decision Requested: **Retain** Rule 14.3.1 P1 Permitted activities as notified.

Decision Reasons:

- KiwiRail supports the provision which permits the operation, maintenance, repair and removal of existing infrastructure as this enables the District to meet its requirements for effective and efficient land transport network systems.

Point Number 986.79

Summary of Decision Requested: **Retain** Rule 14.3.1 P2 Permitted activities as notified.

Decision Reasons:

- KiwiRail supports the provision for minor upgrades to existing infrastructure.

Point Number 986.80

Summary of Decision Requested: **Retain** Rule 14.3.1 P3 Permitted activities as notified.

Decision Reasons:

- KiwiRail supports provision for Temporary infrastructure activities in the Plan subject to criteria.

Point Number 986.81

Summary of Decision Requested: **Amend** Activity specific conditions 14.3.1.3(1)(a) and (b) relating to P4 Permitted activities as follows (or similar amendments to achieve

the requested relief);

(1) Any earthworks associated with infrastructure must comply with all of the following conditions:

(a) Do not exceed a volume of more than 2,500m³ for any single activity (with the exception of works associated with Regionally Significant Infrastructure);

(b) Do not exceed an area of more than 2,500m² for any single activity (with the exception of works associated with Regionally Significant Infrastructure);

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- Parts of the railway corridor lie either within Landscape and Natural Character Areas, Significant Amenity Landscape (SAL), High or Outstanding Natural Character areas of the coastal environment or Outstanding Natural Feature (ONF) or Outstanding Natural Landscapes (ONLs).
- As the operator of a linear transport network KiwiRail carries out linear project works within the railway corridor. These projects are usually carried out either during operations, or during blocks of line - when as much work is done as possible.
- The small limits applying to any works undertaken for the operation, maintenance or upgrading of the railway corridor would create significant difficulties where for instance work sites may need to set-up, only a small amount of the works completed, then the site(s) had to be broken down await another 'activity' period. Linear projects on the railway corridor tend to be relatively narrow.

Point Number

986.82

Summary of Decision Requested:

Amend Activity specific condition 14.3.1.3(3) relating to P4 Permitted activities as follows (or similar amendments to achieve the requested relief):

(3) Earthworks associated with infrastructure in Landscape and Natural Character Areas must not:

(a) Exceed 1.5m in height in relation to the cut or fill batter face; and

(b) Use imported soil, other than the placement of aggregate/metal on any access track or in association with laying underground infrastructure and clean fill associated with Regionally Significant Infrastructure; and

(c) Disturb or move more than 50m³ or exceed an area of 250m² in a Significant Amenity Landscape sand dune over any consecutive 12 month time period; and

(d) Disturb or move more than 50m³ or exceed an area of 250m² in a High or Outstanding Natural Character Area of the coastal environment over any consecutive 12 month time period; and

(e) Disturb or move more than 50m³ or exceed an area of 250m² in an Outstanding Natural Feature or Outstanding Natural Landscapes over any consecutive 12 month time period (except for Regionally Significant Infrastructure works);

AND

Any consequential amendments to link and

Decision Reasons:

- Parts of the railway corridor lie either within Landscape and Natural Character Areas, Significant Amenity Landscape (SAL), High or Outstanding Natural Character areas of the coastal environment or Outstanding Natural Feature (ONF) or Outstanding Natural Landscapes (ONLs).
- Works associated with Regionally Significant Infrastructure often require the use of clean fill. As these works cannot be carried out elsewhere, KiwiRail seeks that the Plan appropriately provides for the use of clean fill in limited circumstances, where necessary to carry out required works on the rail corridor.

Point Number

986.83

Summary of Decision Requested:

Delete Activity specific condition 14.3.1.3(1)(c) relating to P4 Permitted activities (or similar amendments to achieve the requested relief)

OR

Amend Activity specific condition 14.3.1.3(1)(c) relating to P4 Permitted activities as follows (or similar amendments to achieve the requested relief):

(1) Any earthworks associated with infrastructure must comply with all of the following conditions:

...

(c) Within 10m of a watercourse or 20m of mean high water springs do not exceed a volume of more than 5m³ and an area of more than 5m² for any single activity (excluding existing rail infrastructure);

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- This clause is unreasonably restrictive for linear land transport networks like KiwiRail.
- KiwiRail supports Council in requiring activities to be setback from rivers, lakes and the coastal marine area, however this policy as worded gives no recognition to existing encroachments or existing activities already located in these areas.
- The rail network is not able to be easily relocated and given the function it provides for the district, the region and the country, the rail network often crosses over watercourses. It is therefore likely that works exceeding the limit in (c) would not be capable of being setback in most cases more than 20m from the rivers, lakes or the coastal marine area.
- Further, there is limited scope to relocate the rail network away from watercourses so that no river crossings were ever required. Parts of the railway corridor lie either within Landscape and Natural Character Areas, Significant Amenity Landscape (SAL), High or Outstanding Natural Character areas of the coastal environment or Outstanding Natural Feature (ONF) or Outstanding Natural Landscapes (ONLs).
- The thresholds in (c) are unreasonably low when considering long linear land transport operations like railways; where parts of the corridor are on embankments, in cuttings or in remote and topographically challenging areas.
- KiwiRail seek that the rule be deleted as the effects of any works are adequately address in the remaining rule criteria e.g. control of sedimentation and overall works limits.

Point Number 986.84

Summary of Decision Requested: Amend Rule 14.12.1 P5 Permitted Activities as follows (or similar amendments to achieve the requested relief):
Operation, maintenance and minor upgrading of existing public roads, State Highways, rail corridors, and associated transport road network activities
AND
Amend the Activity specific conditions 14.12.1.5 relating to P5 Permitted activities as follows (or similar amendments to achieve the requested relief):
(1) Operation, maintenance and minor upgrading of existing public roads, State Highways, railways, and associated road network activities must comply with the following conditions:
(a) The works occur within the road or unformed road or railway corridor;
(b) Works within the road or railway corridor must be:
(i) Incidental to, and serve a supportive function for, the existing public road or railway corridor; or
...
AND
Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- There are many elements in the 14.12.1 Permitted Activities in the Transport section of Chapter 14 which could equally apply to railway corridor activities, and should be amended so to make this clear.

Point Number 986.85

Summary of Decision Requested: Retain Activity specific condition 14.12.1.1(g) relating to P1 Permitted activities as notified.

Decision Reasons:

- The Rule is consistent with Part 9 of the NZTA Traffic Control Devices Manual, Section 7.8. This rule will ensure that the potential conflicts between new vehicle access ways and level crossings are avoided.
- Level crossing accidents, whilst rare, are severe and as such require strict safety design criteria. The 30 metre distance enables sufficient stacking distance between the level crossing and the adjacent access way and minimises the risk of traffic being stopped across the railway line.

Point Number 986.86

Summary of Decision Requested: Add a new matter of discretion to Rule 14.12.2 RD1 Restricted Discretionary Activities as follows (or similar amendments to achieve the requested relief):
(a) The extent to which the safety and efficiency of rail and road operations will be adversely affected, including;
(b) The outcome of any consultation with KiwiRail;
(c) Any characteristics of the proposed use that will make compliance unnecessary.
AND
Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- Rule 14.12.1.1(g) provides "No new vehicle access shall be created within 30 metres of a railway level crossing".
- KiwiRail seeks the addition of new matters of discretion for new vehicle accesses within 30 metres of a railway level crossing, as the general matters identified in RD1 do not address specific effects on the rail network.

Point Number 986.87

Summary of Decision Requested: Add a new Activity specific condition to Rule 14.12.1.1 relating to P1 Permitted activities as follows (or similar amendments to achieve the requested relief):
(1) All activities must comply with the following vehicle access conditions:
...
(b) All existing and new accesses and roads that cross an operational rail network via a level crossing must be maintained in accordance with the sight line triangles provided in 14.12.5 Railway Level Crossing Sight Triangles and Explanations
AND
Add new Railway Level Crossing Sight Triangles and Explanations to Rule 14.12.5 Transportation tables and figures. See submission for details of the provisions sought and diagrams (or similar amendments to achieve the requested relief)
AND
Add a new activity RD10 to Rule 14.12.2 Restricted Discretionary activities as follows (or similar amendments to achieve the requested relief):
RD10 Buildings and structures within a road/rail level crossing sight triangle
Discretion is restricted to:
1. The extent to which the safety and efficiency of rail and road operations will be adversely affected

2. The outcome of any consultation with KiwiRail

3. Any characteristics of the proposed use that will make compliance unnecessary

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail seeks the inclusion of the level crossing sightline controls. KiwiRail has developed a sight triangles standard which requires areas are kept free of physical obstructions (erected or placed) from the standards developed by NZTA, contained in the Traffic Control Devices Manual 2008, Part 9 Level Crossings, which prescribes the formula for sight lines.
- Including these diagrams in the District Plan addresses the need to avoid the poor location of land uses which can obstruct the required safety sight lines for uncontrolled (i.e. no barriers) railway level crossings.
- One of the key factors in maintaining safety is to ensure road vehicle drivers are presented with sufficient visibility along the rail tracks and obstructions do not block the visibility of level crossing signs or alarms to approaching drivers.
- 6.5.2 Policy – Construction and operation of the land transport network supports the inclusion of level crossing sightline diagrams in the Plan.

Point Number

986.88

Summary of Decision Requested:

Add a new matter of discretion to Rule 16.4.1 RD1 General Subdivision as follows (or similar amendments to achieve the requested relief):

Reverse sensitivity effects, including on land transport networks

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- The design, location and service arrangements for new development carried out in the subdivision process cannot be separated from the future use of the subdivided sites. New buildings, including those containing sensitive or noise sensitive activities, their location and the design and location of access ways may all have an influence on the ultimate impact development has on existing and planned infrastructure. The potential for reverse sensitivity effects is therefore a relevant consideration at this point in the development process.
- KiwiRail seeks the addition of matters of discretion relating to reverse sensitivity effects on land transport networks to the subdivision consent criteria in the listed zones.

Point Number

986.89

Summary of Decision Requested:

Add a new matter of discretion to Rule 24.4.1 RD1 Subdivision – General as follows (or similar amendments to achieve the requested relief):

Reverse sensitivity effects, including on land transport networks

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- The design, location and service arrangements for new development carried out in the subdivision process cannot be separated from the future use of the subdivided sites. New buildings, including those containing sensitive or noise sensitive activities, their location and the design and location of access ways may all have an influence on the ultimate impact development has on existing and planned infrastructure. The potential for reverse sensitivity effects is therefore a relevant consideration at this point in the development process.
- KiwiRail seeks the addition of matters of discretion relating to reverse sensitivity effects on land transport networks to the subdivision consent criteria in the listed zones.

Point Number

986.90

Summary of Decision Requested:

Add a new matter of discretion to Rule 23.4.2 General subdivision (or similar amendments to achieve the requested relief):

Reverse sensitivity effects, including on land transport networks

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- The design, location and service arrangements for new development carried out in the subdivision process cannot be separated from the future use of the subdivided sites. New buildings, including those containing sensitive or noise sensitive activities, their location and the design and location of access ways may all have an influence on the ultimate impact development has on existing and planned infrastructure. The potential for reverse sensitivity effects is therefore a relevant consideration at this point in the development process.
- KiwiRail seeks the addition of matters of discretion relating to reverse sensitivity effects on land transport networks to the subdivision consent criteria in the listed zones.

Point Number

986.91

Summary of Decision Requested:

Amend the matter of discretion in Rule 22.4.1.2 RD1(b)(iv) General Subdivision as follows (or similar amendments to achieve the requested relief):

(iv) potential for reverse sensitivity effects including on land transport networks

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- The design, location and service arrangements for new development carried out in the subdivision process cannot be separated from the future use of the subdivided sites. New buildings, including those containing sensitive or noise sensitive activities, their location and the design and location of access ways may all have an influence on the ultimate impact development has on existing and planned infrastructure. The potential for reverse sensitivity effects is therefore a relevant consideration at this point in the development process.
- KiwiRail seeks the addition of matters of discretion relating to reverse sensitivity effects on land transport networks to the subdivision consent criteria in the listed zones.

Point Number

986.92

Summary of Decision Requested:

Add a new matter of discretion to Rule 17.4.1 General Subdivision as follows (or similar amendments to achieve the requested relief):
Reverse sensitivity effects, including on land transport networks
AND
Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- The design, location and service arrangements for new development carried out in the subdivision process cannot be separated from the future use of the subdivided sites. New buildings, including those containing sensitive or noise sensitive activities, their location and the design and location of access ways may all have an influence on the ultimate impact development has on existing and planned infrastructure. The potential for reverse sensitivity effects is therefore a relevant consideration at this point in the development process.
- KiwiRail seeks the addition of matters of discretion relating to reverse sensitivity effects on land transport networks to the subdivision consent criteria in the listed zones.

Point Number

986.93

Summary of Decision Requested:

Add a new matter of discretion to Rule 18.4.1 Subdivision- general as follows (or similar amendments to achieve the requested relief):
Reverse sensitivity effects, including on land transport networks
AND
Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- The design, location and service arrangements for new development carried out in the subdivision process cannot be separated from the future use of the subdivided sites. New buildings, including those containing sensitive or noise sensitive activities, their location and the design and location of access ways may all have an influence on the ultimate impact development has on existing and planned infrastructure. The potential for reverse sensitivity effects is therefore a relevant consideration at this point in the development process.
- KiwiRail seeks the addition of matters of discretion relating to reverse sensitivity effects on land transport networks to the subdivision consent criteria in the listed zones.

Point Number

986.94

Summary of Decision Requested:

Add a new matter of discretion to Rule 20.4.1 Subdivision - general as follows (or similar amendments to achieve the requested relief):
Reverse sensitivity effects, including on land transport networks
AND
Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- The design, location and service arrangements for new development carried out in the subdivision process cannot be separated from the future use of the subdivided sites. New buildings, including those containing sensitive or noise sensitive activities, their location and the design and location of access ways may all have an influence on the ultimate impact development has on existing and planned infrastructure. The potential for reverse sensitivity effects is therefore a relevant consideration at this point in the development process.
- KiwiRail seeks the addition of matters of discretion relating to reverse sensitivity effects on land transport networks to the subdivision consent criteria in the listed zones.

Point Number

986.95

Summary of Decision Requested:

Add a new matter of discretion to Rule 21.4.1 Subdivision – general as follows (or similar amendments to achieve the requested relief):
Reverse sensitivity effects, including on land transport networks
AND
Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- The design, location and service arrangements for new development carried out in the subdivision process cannot be separated from the future use of the subdivided sites. New buildings, including those containing sensitive or noise sensitive activities, their location and the design and location of access ways may all have an influence on the ultimate impact development has on existing and planned infrastructure. The potential for reverse sensitivity effects is therefore a relevant consideration at this point in the development process.
- KiwiRail seeks the addition of matters of discretion relating to reverse sensitivity effects on land transport networks to the subdivision consent criteria in the listed zones.

Point Number 986.96

Summary of Decision Requested: Amend Rule 16.2.4.1 PI(a) Earthworks-General as follows (or similar amendments to achieve the requested relief):

(i) Be located more than 1.5 m horizontally from any infrastructure, including a waterway, open drain or overland flow path;

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail supports that earthworks are required to be setback from services and network systems. The rail track itself is most susceptible from adverse effects if adjacent earthworks are not adequately set back. KiwiRail seeks that rule relating to setbacks in certain zones should be amended to reflect that there should be an earthworks setback of 1.5m from infrastructure, to ensure that the efficient and effective operation of the existing network is maintained.

Point Number 986.97

Summary of Decision Requested: Amend Rule 20.2.5.1 PI(a) Earthworks-General as follows (or similar amendments to achieve the requested relief):

(i) Be located more than 1.5 m horizontally from any infrastructure, including a waterway, open drain or overland flow path;

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail supports that earthworks are required to be setback from services and network systems. The rail track itself is most susceptible from adverse effects if adjacent earthworks are not adequately set back. KiwiRail seeks that rule relating to setbacks in certain zones should be amended to reflect that there should be an earthworks setback of 1.5m from infrastructure, to ensure that the efficient and effective operation of the existing network is maintained.

Point Number 986.98

Summary of Decision Requested: Amend Rule 21.2.5.1 PI(a) Earthworks-General as follows (or similar amendments to achieve the requested relief):

(i) Be located more than 1.5 m horizontally from any infrastructure, including a waterway, open drain or overland flow path;

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail supports that earthworks are required to be setback from services and network systems. The rail track itself is most susceptible from adverse effects if adjacent earthworks are not adequately set back. KiwiRail seeks that rule relating to setbacks in certain zones should be amended to reflect that there should be an earthworks setback of 1.5m from infrastructure, to ensure that the efficient and effective operation of the existing network is maintained.

Point Number 986.99

Summary of Decision Requested: Amend Rule 24.2.4.1 PI(a) Earthworks-General as follows (or similar amendments to achieve the requested relief):

(i) Be located more than 1.5 m horizontally from any infrastructure, including a waterway, open drain or overland flow path;

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail supports that earthworks are required to be setback from services and network systems. The rail track itself is most susceptible from adverse effects if adjacent earthworks are not adequately set back. KiwiRail seeks that rule relating to setbacks in certain zones should be amended to reflect that there should be an earthworks setback of 1.5m from infrastructure, to ensure that the efficient and effective operation of the existing network is maintained.

Point Number 986.100

Summary of Decision Requested: Amend Rule 17.2.5.1 PI(a) Earthworks General as follows (or similar amendments to achieve the requested relief):

(i) Be located more than 1.5m from infrastructure, including a public sewer, open drain, overland flow path or other service pipe

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail supports that earthworks are required to be setback from services and network systems. The rail track itself is most susceptible from adverse effects if adjacent earthworks are not adequately set back. KiwiRail seeks that rule relating to setbacks in certain zones should be amended to reflect that there should be an earthworks setback of 1.5m from infrastructure, to ensure that the efficient and effective operation of the existing network is maintained.

Point Number 986.101

Summary of Decision Requested:

Amend Rule 18.2.4.1 P1(a) Earthworks General as follows (or similar amendments to achieve the requested relief):

(i) Be located more than 1.5m from infrastructure, including a public sewer, open drain, overland flow path or other service pipe

AND

Any consequential amendments to link and/or accommodate the requested changes

Decision Reasons:

- KiwiRail supports that earthworks are required to be setback from services and network systems. The rail track itself is most susceptible from adverse effects if adjacent earthworks are not adequately set back. KiwiRail seeks that rule relating to setbacks in certain zones should be amended to reflect that there should be an earthworks setback of 1.5m from infrastructure, to ensure that the efficient and effective operation of the existing network is maintained.

Point Number

986.102

Summary of Decision Requested:

Amend Rule 19.2.4 P1(a) Earthworks General as follows (or similar amendments to achieve the requested relief):

(i) Be located more than 1.5m from infrastructure, including a public sewer, open drain, overland flow path or other service pipe

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail supports that earthworks are required to be setback from services and network systems. The rail track itself is most susceptible from adverse effects if adjacent earthworks are not adequately set back. KiwiRail seeks that rule relating to setbacks in certain zones should be amended to reflect that there should be an earthworks setback of 1.5m from infrastructure, to ensure that the efficient and effective operation of the existing network is maintained.

Point Number

986.103

Summary of Decision Requested:

Amend Rule 25.2.4.1 P1(a) Earthworks General as follows (or similar amendments to achieve the requested relief):

(i) Be located more than 1.5m from infrastructure, including a public sewer, open drain, overland flow path or other service pipe

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail supports that earthworks are required to be setback from services and network systems. The rail track itself is most susceptible from adverse effects if adjacent earthworks are not adequately set back. KiwiRail seeks that rule relating to setbacks in certain zones should be amended to reflect that there should be an earthworks setback of 1.5m from infrastructure, to ensure that the efficient and effective operation of the existing network is maintained.

Point Number

986.104

Summary of Decision Requested:

Add a new clause (vii) to Rule 22.2.3.1 P2(a) Earthworks – General as follows (or similar amendments to achieve the requested relief):

(vii) Be located more than 1.5 m horizontally from any infrastructure, including a waterway, open drain or overland flow path;

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail supports that earthworks are required to be setback from services and network systems. The rail track itself is most susceptible from adverse effects if adjacent earthworks are not adequately set back. KiwiRail seeks that rule relating to setbacks in certain zones should be amended to reflect that there should be an earthworks setback of 1.5m from infrastructure, to ensure that the efficient and effective operation of the existing network is maintained.

Point Number

986.105

Summary of Decision Requested:

Add a new clause (vii) to Rule 23.2.3.1 P2(a) Earthworks – General as follows (or similar amendments to achieve the requested relief):

(vii) Be located more than 1.5 m horizontally from any infrastructure, including a waterway, open drain or overland flow path;

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail supports that earthworks are required to be setback from services and network systems. The rail track itself is most susceptible from adverse effects if adjacent earthworks are not adequately set back. KiwiRail seeks that rule relating to setbacks in certain zones should be amended to reflect that there should be an earthworks setback of 1.5m from infrastructure, to ensure that the efficient and effective operation of the existing network is maintained.

Point Number

986.106

Summary of Decision Requested:

Amend Rule 16.2.4.1 P1(vii) Earthworks general as follows (or similar amendments to achieve the requested relief):

(vii) Areas exposed by the earthworks are stabilized to avoid runoff within 1 month of the cessation-re-vegetated to achieve

80% ground cover 6 months of the commencement of the earthworks

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail also seeks that the rule relating to revegetation in certain zones be amended to include other available methods to stabilise the ground to prevent runoff, including building or hard cover development. As notified, these rules are ambiguous.

Point Number 986.107

Summary of Decision Requested: Amend Rule 17.2.5.1 PI(a)(iv) Earthworks general as follows (or similar amendments to achieve the requested relief):

(iv) Areas exposed by the earthworks are stabilized to avoid runoff within 1 month of the cessation-re-vegetated to achieve

80% ground cover 6 months of the commencement of the earthworks

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail also seeks that the rule relating to revegetation in certain zones be amended to include other available methods to stabilise the ground to prevent runoff, including building or hard cover development. As notified, these rules are ambiguous.

Point Number 986.108

Summary of Decision Requested: Amend Rule 18.2.4.1 PI(a)(iv) Earthworks general as follows (or similar amendments to achieve the requested relief):

(iv) Areas exposed by the earthworks are stabilized to avoid runoff within 1 month of the cessation-re-vegetated to achieve

80% ground cover 6 months of the commencement of the earthworks

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail also seeks that the rule relating to revegetation in certain zones be amended to include other available methods to stabilise the ground to prevent runoff, including building or hard cover development. As notified, these rules are ambiguous.

Point Number 986.109

Summary of Decision Requested: Amend Rule 19.2.4 PI(a)(iv) Earthworks general as follows (or similar amendments to achieve the requested relief):

(iv) Areas exposed by the earthworks are stabilized to avoid runoff within 1 month of the cessation-re-vegetated to achieve

80% ground cover 6 months of the commencement of the earthworks

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail also seeks that the rule relating to revegetation in certain zones be amended to include other available methods to stabilise the ground to prevent runoff, including building or hard cover development. As notified, these rules are ambiguous.

Point Number 986.110

Summary of Decision Requested: Amend Rule 20.2.5.1 PI(a)(vii) Earthworks general as follows (or similar amendments to achieve the requested relief):

(vii) Areas exposed by the earthworks are stabilized to avoid runoff within 1 month of the cessation-re-vegetated to achieve

80% ground cover 6 months of the commencement of the earthworks

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail also seeks that the rule relating to revegetation in certain zones be amended to include other available methods to stabilise the ground to prevent runoff, including building or hard cover development. As notified, these rules are ambiguous.

Point Number 986.111

Summary of Decision Requested: Amend Rule 21.2.5.1 PI(a)(vii) Earthworks general as follows (or similar amendments to achieve the requested relief):

(vii) Areas exposed by the earthworks are stabilized to avoid runoff within 1 month of the cessation-re-vegetated to achieve

80% ground cover 6 months of the commencement of the earthworks

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail also seeks that the rule relating to revegetation in certain zones be amended to include other available methods to stabilise the ground to prevent runoff, including building or hard cover development. As notified, these rules are ambiguous.

Point Number 986.112

Summary of Decision Requested: Amend Rule 22.2.3.1 P2(a)(iv) Earthworks general as follows (or similar amendments to achieve the requested relief):

~~(iv) Areas exposed by the earthworks are stabilized to avoid runoff within 1 month of the cessation-re-vegetated to achieve~~

~~80% ground cover 6 months of the commencement of the earthworks~~

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail also seeks that the rule relating to revegetation in certain zones be amended to include other available methods to stabilise the ground to prevent runoff, including building or hard cover development. As notified, these rules are ambiguous.

Point Number 986.113

Summary of Decision Requested: Amend Rule 23.2.3.1 P2(a)(iv) Earthworks general as follows (or similar amendments to achieve the requested relief):

~~(iv) Areas exposed by the earthworks are stabilized to avoid runoff within 1 month of the cessation-re-vegetated to achieve~~

~~80% ground cover 6 months of the commencement of the earthworks~~

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail also seeks that the rule relating to revegetation in certain zones be amended to include other available methods to stabilise the ground to prevent runoff, including building or hard cover development. As notified, these rules are ambiguous.

Point Number 986.114

Summary of Decision Requested: Amend Rule 24.2.4.1 P1(a)(vii) Earthworks general as follows (or similar amendments to achieve the requested relief):

~~(iv) Areas exposed by the earthworks are stabilized to avoid runoff within 1 month of the cessation-re-vegetated to achieve~~

~~80% ground cover 6 months of the commencement of the earthworks~~

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail also seeks that the rule relating to revegetation in certain zones be amended to include other available methods to stabilise the ground to prevent runoff, including building or hard cover development. As notified, these rules are ambiguous.

Point Number 986.115

Summary of Decision Requested: Amend Rule 25.2.4.1 P1(a)(iv) Earthworks general as follows (or similar amendments to achieve the requested relief):

~~(iv) Areas exposed by the earthworks are stabilized to avoid runoff within 1 month of the cessation-re-vegetated to achieve~~

~~80% ground cover 6 months of the commencement of the earthworks~~

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail also seeks that the rule relating to revegetation in certain zones be amended to include other available methods to stabilise the ground to prevent runoff, including building or hard cover development. As notified, these rules are ambiguous.

Point Number 986.116

Summary of Decision Requested: Amend Rule 16.2.7.2 P1 Signs – Effects on traffic as follows (or similar amendments to achieve the requested relief):

~~(a)Any sign directed at road land transport users must:~~

...

~~(iii)Not obstruct sight lines of drivers turning into or out of a site entrance and intersections or at a level crossing;~~

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- Signs erected in the City should not have an adverse effect on the safe and efficient functioning of the land transport network, including railways, and the health and safety of road users. Traffic on the railway network will grow, and with more trains the issue of minimizing driver distraction is important to ensure the efficient running of the land transport network.
- Further, signs should be restricted where they breach the level crossing sightline areas developed from the NZTA Traffic Control Devices Manual 2008, Part 9 Level Crossings as sought in KiwiRail submission 67.
- It is appropriate to restrict and prevent the placement of signs within required sight lines for vehicles access and intersections, and within the sight lines required for rail crossings.

Point Number

986.117

Summary of Decision Requested:

Amend Rule 17.2.7.2 PI Signs – Effects on traffic as follows (or similar amendments to achieve the requested relief):

(a)Any sign directed at ~~road~~ land transport users must:

...

(iii)Not obstruct sight lines of drivers turning into or out of a site entrance and intersections or at a level crossing;

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- Signs erected in the City should not have an adverse effect on the safe and efficient functioning of the land transport network, including railways, and the health and safety of road users. Traffic on the railway network will grow, and with more trains the issue of minimizing driver distraction is important to ensure the efficient running of the land transport network.
- Further, signs should be restricted where they breach the level crossing sightline areas developed from the NZTA Traffic Control Devices Manual 2008, Part 9 Level Crossings as sought in KiwiRail submission 67.
- It is appropriate to restrict and prevent the placement of signs within required sight lines for vehicles access and intersections, and within the sight lines required for rail crossings.

Point Number

986.118

Summary of Decision Requested:

Amend Rule 18.2.7.2 PI Signs – Effects on traffic as follows (or similar amendments to achieve the requested relief):

(a)Any sign directed at ~~road~~ land transport users must:

...

(iii)Not obstruct sight lines of drivers turning into or out of a site entrance and intersections or at a level crossing;

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- Signs erected in the City should not have an adverse effect on the safe and efficient functioning of the land transport network, including railways, and the health and safety of road users. Traffic on the railway network will grow, and with more trains the issue of minimizing driver distraction is important to ensure the efficient running of the land transport network.
- Further, signs should be restricted where they breach the level crossing sightline areas developed from the NZTA Traffic Control Devices Manual 2008, Part 9 Level Crossings as sought in KiwiRail submission 67.
- It is appropriate to restrict and prevent the placement of signs within required sight lines for vehicles access and intersections, and within the sight lines required for rail crossings.

Point Number

986.119

Summary of Decision Requested:

Amend Rule 20.2.7.2 PI Signs – Effects on traffic as follows (or similar amendments to achieve the requested relief):

(a)Any sign directed at ~~road~~ land transport users must:

...

(iii)Not obstruct sight lines of drivers turning into or out of a site entrance and intersections or at a level crossing;

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- Signs erected in the City should not have an adverse effect on the safe and efficient functioning of the land transport network, including railways, and the health and safety of road users. Traffic on the railway network will grow, and with more trains the issue of minimizing driver distraction is important to ensure the efficient running of the land transport network.
- Further, signs should be restricted where they breach the level crossing sightline areas developed from the NZTA Traffic Control Devices Manual 2008, Part 9 Level Crossings as sought in KiwiRail submission 67.
- It is appropriate to restrict and prevent the placement of signs within required sight lines for vehicles access and intersections, and within the sight lines required for rail crossings.

Point Number

986.120

Summary of Decision Requested:

Amend Rule 23.2.6.2 PI Signs – Effects on traffic as follows (or similar amendments to achieve the requested relief):

(a)Any sign directed at ~~road~~ land transport users must:

...

(iii)Not obstruct sight lines of drivers turning into or out of a site entrance and intersections or at a level crossing;

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- Signs erected in the City should not have an adverse effect on the safe and efficient functioning of the land transport network, including railways, and the health and safety of road users. Traffic on the railway network will grow, and with more trains the issue of minimizing driver distraction is important to ensure the efficient running of the land transport network.
- Further, signs should be restricted where they breach the level crossing sightline areas developed from the NZTA Traffic Control Devices Manual 2008, Part 9 Level Crossings as sought in KiwiRail submission 67.
- It is appropriate to restrict and prevent the placement of signs within required sight lines for vehicles access and intersections, and within the sight lines required for rail crossings.

Point Number

986.121

Summary of Decision Requested:

Amend Rule 24.2.7.2 PI Signs – Effects on traffic as follows (or similar amendments to achieve the requested relief):

(a) Any sign directed at ~~road~~ land transport users must:

...

(iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections or at a level crossing:

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- Signs erected in the City should not have an adverse effect on the safe and efficient functioning of the land transport network, including railways, and the health and safety of road users. Traffic on the railway network will grow, and with more trains the issue of minimising driver distraction is important to ensure the efficient running of the land transport network.
- Further, signs should be restricted where they breach the level crossing sightline areas developed from the NZTA Traffic Control Devices Manual 2008, Part 9 Level Crossings as sought in KiwiRail submission 67.
- It is appropriate to restrict and prevent the placement of signs within required sight lines for vehicles access and intersections, and within the sight lines required for rail crossings.

Point Number

986.122

Summary of Decision Requested:

Amend Rule 25.2.7.2 PI Signs – Effects on traffic as follows (or similar amendments to achieve the requested relief):

(a) Any sign directed at ~~road~~ land transport users must:

...

(iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections or at a level crossing:

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- Signs erected in the City should not have an adverse effect on the safe and efficient functioning of the land transport network, including railways, and the health and safety of road users. Traffic on the railway network will grow, and with more trains the issue of minimizing driver distraction is important to ensure the efficient running of the land transport network.
- Further, signs should be restricted where they breach the level crossing sightline areas developed from the NZTA Traffic Control Devices Manual 2008, Part 9 Level Crossings as sought in KiwiRail submission 67.
- It is appropriate to restrict and prevent the placement of signs within required sight lines for vehicles access and intersections, and within the sight lines required for rail crossings.

Point Number

986.123

Summary of Decision Requested:

Retain matter of discretion (a)(iv) Rule 16.5.3 Restricted Discretionary activities as notified.

Decision Reasons:

- KiwiRail recently engaged for the proponents of Plan Change 20 Lakeside Precinct and developed a comprehensive set of controls relating to upgrades to the level crossing through Te Kauwhata and seek the retention of RDA criteria assessing any non-compliance with the traffic related standards imposed.

Point Number

986.124

Summary of Decision Requested:

Retain Rule 16.5.7.1 Noise and vibration – North Island Main Trunk Line (NIMT) as notified.

Decision Reasons:

- KiwiRail recently engaged the proponents of Plan Change 20 Lakeside Precinct and developed a comprehensive set of controls relating to noise and vibration and activity controls to the North Island Main Trunk Line (NIMT). These have been included in the Proposed Plan and are supported.

Point Number

986.125

Summary of Decision Requested:

Amend Rule 22.1.2 P6 Permitted activities as follows (or similar amendments to achieve the requested relief):

P6 Afforestation not in an Outstanding Landscape Area

Activity specific conditions: ~~##~~ Forestry replanting is setback a minimum of 10m from the rail corridor boundary if it occurs within 5 years after harvesting.

AND

Amend Rule 22.1.2 P8 Permitted activities as follows (or similar amendments to achieve the requested relief):

P8 Forestry

Activity specific conditions: ~~All~~ All planting is set back a minimum of 10m from any railway corridor

AND

Add a new restricted discretionary activity to Rule 22.1.3 Restricted Discretionary activities as follows (or similar amendments to achieve the requested relief):

Afforestation or forestry not meeting permitted activity criteria

Council's discretion is restricted to:

Effects on the health, safety and efficiency of the railway corridor

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- Both 'Afforestation not in an Outstanding Landscape Area' and 'Forestry' are defined in the Plan and permitted activities in the Rural Zone.
- The National Environmental Standard for Plantation Forestry controls the planting and location of plantation forestry. Under regulation 14 of the Resource Management (National Environmental Standards for Plantation Forestry) (NES) Regulations 2017 an afforestation setback of at least 10m is required from an adjoining property (which includes the railway corridor). Afforestation means planting and growing plantation forestry trees on land where there is no plantation forestry, and where plantation forestry harvesting has not occurred within the last 5 years. This leaves a temporal gap under the NES where the replanting of trees within 5 years of harvest, closer than 10m to the adjoining property (e.g. railway corridor) appears to be permitted. This means that if replanting of a harvested forest occurs within 5 years, trees may be located closer than 10m to a property boundary. There is currently no rule in the Plan controlling this time period.
- There are also other forms of forestry which are not covered by the NES – such as woodlots and shelter belts less than 30m wide – which may have a safety impact on transport networks and sightlines. KiwiRail seeks a change to the forestry definition to cover these.
- KiwiRail has experienced safety issues with forestry and forest lots being too close to the rail corridor and therefore wish to ensure that a standard setback (consistent with the distance provided the NES) is imposed to reduce potential safety risks.

Point Number

986.126

Summary of Decision Requested:

Retain all KiwiRail designations in Section E Designations "L KiwiRail Holdings Limited" as notified

AND

Retain all KiwiRail designations shown on the

Planning maps as notified.

Decision Reasons:

- KiwiRail holds designations over its operational railway lines, yards and depots within the District and supports them being shown correctly on the Planning Maps (and as they appeared in the Operative Plan) and in Section E.

Point Number

986.127

Summary of Decision Requested:

Amend all Planning Maps where KiwiRail's designations apply to change the underlying zoning from "Rural" to "unzoned" (or similar amendments to achieve the requested relief)

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- KiwiRail submits that its railway designations in the District should not be subject to underlying zoning, but should rather be marked as "un-zoned" as roads or State Highways are. Both corridors are strategic transport infrastructure.
- The rail corridor is currently zoned Rural throughout the entire District, despite it not being used for any rural activities and in fact traversing a range of rural and urban environments. As detailed further below in submission point 76, this blanket approach to zoning the rail corridor may lead to perverse outcomes for KiwiRail's tenants, who operate under the zone rules rather than KiwiRail's designations.
- KiwiRail submits that amending the underlying zoning of the rail corridor to be "un-zoned" is the most effective way to achieve the objectives of the Plan directed towards the development, operation and maintenance of infrastructure, in particular Objective 6.1.1. As the rail corridor provides for linear infrastructure that traverses across multiple zones throughout the District, KiwiRail's activities within the corridor are most appropriately managed through its designations and the provisions of Chapter 14 – Infrastructure and Energy, rather than by reference to particular zones.
- Amending the underlying zoning of the rail corridor would also have no impact on the ability of the Plan to appropriately manage KiwiRail's railway operations, as these activities are covered under Chapter 14 – Infrastructure and Energy, which specifically provides that the provisions of the underlying zone do not apply to infrastructure activities.

Point Number

986.128

Summary of Decision Requested:

Amend the second paragraph of the Introduction in Section E Designations as follows (or similar amendments to achieve the requested relief):

The zone rules regulate activities that are not covered by the designation. Where designated land is un-zoned, activities not covered by the designation will be subject to the rules of the adjacent zone. If there are two different zones, the adjacent zone extends to the centre line of the designated land.

AND

Any consequential amendments to link and/or accommodate the requested changes.

Decision Reasons:

- Although KiwiRail uses most of its landholdings for railway purposes, parts of KiwiRail's designated land are tenanted by third parties. The activities of KiwiRail's lessees, typically being unrelated to rail operations, are not authorised under KiwiRail's designations and so are subject to the relevant underlying zone provisions.
- Under the notified Plan, the activities of KiwiRail's tenants would be subject to provisions of the Rural Zone (as the rail corridor

currently has this underlying zoning throughout the District), regardless of the activity or where it is located. The blanket approach of zoning the entire rail corridor "Rural" may lead to perverse outcomes for KiwiRail's tenants, who operate under the reasonable expectation that they will be able to carry out activities or development that are in accordance with the development pattern of the surrounding zone(s). KiwiRail's lessees should be subject to the same planning controls as the owners / occupiers of the surrounding land. To do otherwise would result in an inequitable situation where KiwiRail's tenants could be subject to stricter planning controls than their immediate neighbours, even though their activities are equally as appropriate in that location (or vice versa).

- KiwiRail submits that the most effective way to achieve the objectives and policies of the Plan, in particular Objective 6.1.1 and Policy 6.1.2, is to have the land subject to KiwiRail's designations un-zoned but include a rule in Section E providing that where activities are occurring on designated land that is un-zoned, the applicable zoning is determined by the adjacent zone. This will allow for the efficient and effective development, operation and maintenance of infrastructure while at the same time ensuring that KiwiRail's tenants enjoy the appropriate zoning for their activities.