

Te Tai o Poutini Plan Proposed Plan

# Submission form

**Have  
your  
say!**

We need your feedback. We want to hear from you on the proposed Te Tai o Poutini Plan. What do you support and what would you like changed? And why? It is just as important to understand what you like in the Proposed Plan as what you don't. Understanding everyone's perspectives is essential for developing a balanced plan.

## Your details:

First name: Sheena

Surname: McGuire

Are you submitting as an individual, or on behalf of an organisation?  Individual  Organisation

Organisation (if applicable): KiwiRail Holdings Limited

Would you gain an advantage in trade competition through this submission?  Yes  NoIf you **could** gain an advantage in trade competition through this submission please complete the following:I am  /am not  directly affected by an effect of the subject matter of the submission that (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.

Postal address: PO Box 593

Wellington 6140

Email: sheena.mcguire@kiwirail.co.nz

Phone:

Signature: SM

Date: 27/10/22

## Your submission:

**The specific provisions of the proposal that my submission relates to are:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Strategic Direction            | <input checked="" type="checkbox"/> Energy Infrastructure and Transport | <input checked="" type="checkbox"/> Hazards and Risks |
| <input checked="" type="checkbox"/> Historical and Cultural Values | <input checked="" type="checkbox"/> Natural Environment Values          | <input checked="" type="checkbox"/> Subdivision       |
| <input checked="" type="checkbox"/> General District Wide Matters  | <input checked="" type="checkbox"/> Zones                               | <input checked="" type="checkbox"/> Schedules         |
| <input type="checkbox"/> Appendices                                | <input type="checkbox"/> General feedback                               |   |

All submitters have the opportunity to present their feedback to Commissioners during the hearings process. Hearings are anticipated to be held in the middle of 2023. Please indicate your preferred option below:

I wish to speak to my submission  I do not wish to speak to my submission

If others make a similar submission, would you consider presenting a joint case with them at a hearing?

Yes, I would consider presenting a joint case  No, I would not consider presenting a joint case

**Public information** - all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information. The content provided in your submission form will be published to the Te Tai o Poutini Plan website and available to the public. It is your responsibility to ensure that your submission does not include any personal information that you do not want published.

**Want to know more?**[www.tppp.nz](http://www.tppp.nz)

0508 800 118


**Te Tai o Poutini**  
 PLAN

A combined district plan for the West Coast

**My submission:**

*(Include whether you support or oppose the specific provisions or wish to have them amended, reasons for your views and the decision you seek from us).*

Please see attached.

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*Please attach more pages if required.*

### How to send in your submission form

▶ *Did you know you can complete this submission form online?*



Online submission form:  
**[www.tpp.nz](http://www.tpp.nz)**

▶ *Or post this form back to us:*



**TTPP Submissions, PO Box 66,  
Greymouth 7840**

**Submissions must be made by 5pm, Friday 11th November 2022**

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**0508 800 118**



**Te Tai o Poutini  
PLAN**  
*A combined district plan for the West Coast*

27 October 2022

Te Tai o Putini Plan Team  
PO Box 66  
**GREYMOUTH 7840**

**By email:** [info@tpp.nz](mailto:info@tpp.nz)

## **SUBMISSION ON PROPOSED TE TAI O POUTINI PLAN**

**NAME OF SUBMITTER:** KiwiRail Holdings Limited (KiwiRail)

**ADDRESS FOR SERVICE:** Level 1  
Wellington Railway Station  
Bunny Street  
PO Box 593  
**WELLINGTON 6140**

Attention: Sheena McGuire

Ph: 027 227 7780

Email: [Sheena.McGuire@kiwirail.co.nz](mailto:Sheena.McGuire@kiwirail.co.nz)

### **KiwiRail submission on Proposed Te Tai o Poutini Plan**

KiwiRail Holdings Limited (KiwiRail) is the State-Owned Enterprise responsible for the construction, maintenance, and operation of the national railway network. This includes managing railway infrastructure and land, as well as rail freight and passenger services within New Zealand. KiwiRail is also the Requiring Authority for land designated for 'Railway Purposes' (or similar) in District Plans throughout New Zealand.

KiwiRail's national railway network (which comprises of 3,700km of track, over 200 locomotives, 18,100 hectares of land and 1,350 modern and heritage buildings)<sup>1</sup> is a nationally and regionally significant infrastructure asset. The rail network is critical to the safe and efficient movement of freight and passengers throughout New Zealand, and forms an essential part of the national transportation network and the wider supply chain. New Zealanders have invested significantly in the rail network and it is a critical public asset.

Transport modal shifts to more climate-friendly modes of transport, like rail, are critical to reduce carbon emissions. As a result, rail is experiencing a renaissance as evidenced by the significant investment being made by the Government to reinvigorate the railway network, demonstrating a strong and continued confidence in rail's current and future potential.

<sup>1</sup>

Half Year Annual Report 2022 and Unaudited Financial Statements for the Six Months Ended 31 December 2021 (KiwiRail, 2022) at page 5.



The Westport, Stillwater – Ngakawau, Rapahoe, Greymouth, Hokitika, and Midland Lines all extend through the West Coast. These assets form a key part of the KiwiRail network nationally. KiwiRail seeks to protect its ability to operate, maintain and upgrade these assets into the future.

To achieve this, KiwiRail encourages land uses near the railway corridor that do not compromise the short or long-term ability to operate a safe and efficient rail network, both day and night. Where sensitive activities are proposed on land near the railway corridors, appropriate controls should be imposed to ensure the long-term amenity of sensitive uses. Associated with that is the risk of objections and complaints leading to restraints on the operation, maintenance and enhancement of the rail corridor. Safety is a key concern for KiwiRail so ensuring sightlines and level crossings are protected is also crucial.

KiwiRail's submission the Proposed Te Tai o Poutini Plan (Proposed Plan) is set out in the attached table. The comments largely follow the structure of the Plan but there are some areas where comments are grouped into topic or issue areas. In terms of relief sought, insertions are marked in **bold** and underlined, while any recommended deletions of text are shown in *italics* and ~~struck out~~. All requested changes include any consequential changes to the Plan to link and/or accommodate the requested change in the stated, or alternate location.

KiwiRail is available to meet with the Council to discuss any elements of the comments provided within this table, to provide any clarification that may assist in decisions on the changes requested.

KiwiRail wish to be heard in relation to the submissions and if other parties make similar submissions, KiwiRail would consider presenting a joint case with those parties at the hearing.

Regards,

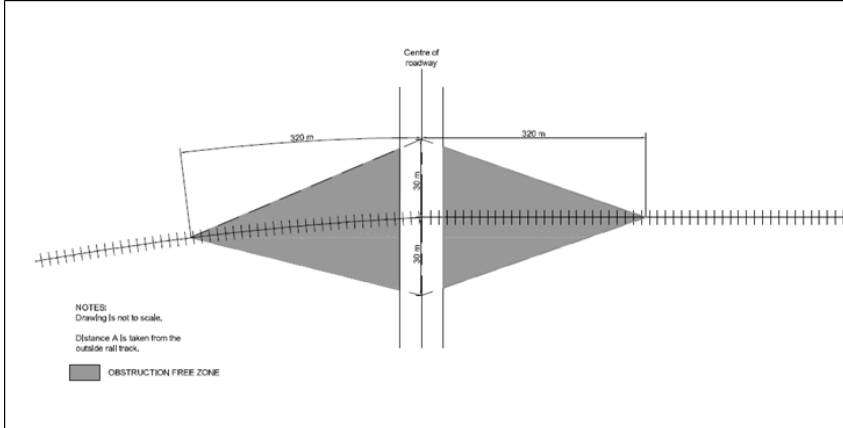


Sheena McGuire  
RMA Advisor  
KiwiRail Holdings Limited

Submission Number	Section of Plan	Specific Provision	Support/Oppose/Seek Amendment	Reasons for Submission	Relief Sought (as stated or similar to achieve the requested relief)
<b>Part 1: Introduction and general provisions</b>					
1.	Definitions	Critical Infrastructure	Support	KiwiRail supports the inclusion of the rail network within this definition.	Retain as proposed
2.	Definitions	Functional Need	Support	KiwiRail supports the inclusion of this definition in the Proposed Plan.	Retain as proposed
3.	Definitions	Infrastructure	Support	The definition as proposed which replicates the RMA definition, is supported by KiwiRail, noting clause (g) includes rail.	Retain as proposed
4.	Definitions	Land Transport Infrastructure	Seek amendment	Land transport infrastructure is a term that is used within the Proposed Plan but is not defined. To ensure the plan is interpreted correctly, KiwiRail seeks that this term is defined and that the rail network is included in this definition. The relief sought takes direction from the definition of Land Transport and Infrastructure within the West Coast Regional Land Transport Plan 2021-2031.	Insert as follows: <b>Land Transport Infrastructure means the infrastructure, goods and services facilitating transport on land by any means. This includes coastal shipping and all fixed components of a transportation system, including roadways and bridges, railways, ports, cycle trails and other physical elements.</b>
5.	Definitions	Maintenance	Support	KiwiRail supports allowing for any work or activity necessary to keep the operation and or function of existing infrastructure as maintenance.	Retain as proposed
6.	Definitions	Network Utility Operator	Support	KiwiRail supports the use of the RMA meaning of Network Utility Operator, which includes railway activities. This approach supports the integrated management and provision of key infrastructure.	Retain as proposed
7.	Definitions	Noise	Support	KiwiRail supports the inclusion of this definition as proposed.	Retain as proposed
8.	Definitions	Noise Sensitive Activity	Seek amendment	KiwiRail seeks the inclusion of a definition of Noise Sensitive Activity to assist with clear interpretation of the Proposed Plan.	Insert as follows: <b>Noise sensitive activity means any lawfully established:</b> <b>a. residential activity, including activity in visitor accommodation or retirement accommodation, including boarding houses, residential visitor accommodation and papakāinga;</b> <b>b. educational activity;</b> <b>c. health care activity, including hospitals ;</b> <b>d. congregation within any place of worship; and</b> <b>e. activity at a marae.</b>
9.	Definitions	Notional Boundary	Support	KiwiRail supports the inclusion of this definition as proposed.	Retain as proposed
10.	Definitions	Operational Need	Support	KiwiRail supports the inclusion of this definition in the Proposed Plan.	Retain as proposed
11.	Definitions	Port Activities	Support	KiwiRail supports the inclusion of ancillary transport infrastructure within this definition. KiwiRail owns land adjacent to the Port of Greymouth and Port of Westport and it is important to include rail infrastructure within this definition to accurately capture all port activities within the West Coast.	Retain as proposed
12.	Definitions	Reverse Sensitivity	Support	KiwiRail supports the definition of reverse sensitivity subject to amendment. KiwiRail seeks amendment to recognise that in the context of rail, activities are more than operation of the railway and the definition also needs to encompass development, upgrading and ongoing maintenance of the rail network including rail yards. It is appropriate to recognise the vulnerability of existing, lawfully established activities such as the rail network to other activities in the vicinity which may be sensitive to adverse environmental effects.	Amend as follows: Reverse sensitivity means the potential for <b>the development, upgrading, operation and maintenance of</b> an approved, existing or permitted activity to be compromised or constrained, 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 approved, existing or permitted activity.
13.	Definitions	Sensitive Activity	Seek amendment	KiwiRail supports the listed activities within this definition, however, also considers that the list should be expanded to capture all sensitive activities.	Amend as follows: Sensitive activity means any: <b>a. residential activity;</b> <b>b. visitor accommodation;</b> <b>c. retirement home;</b> <b>d. healthcare facility;</b> <b>e. community facility; and</b>

					<p><i>f. educational facility;</i>  <i>g. marae/papakāinga;</i>  <i>h. hospital; or</i>  <i>i. place of worship.</i></p>
14.	Definitions	Transport Network	Seek amendment	KiwiRail seeks the inclusion of a definition of Transport Network. This term is used within the Transport Chapter and for clarity, KiwiRail seeks a definition which includes the rail network.	Include the following definition in the proposed plan: <b>Transport Network means all rail, public roads, public pedestrian, cycle and micro-mobility facilities, public transport and associated infrastructure.</b>
15.	Definitions	Upgrading	Support	The specific ability to improve or increase the safety or efficiency of existing infrastructure as defined as upgrading, is supported.	Retain as proposed
<b>Part 2 – District-wide matters</b>					
16.	Strategic Direction	CR-02	Support	KiwiRail supports the desire to support the continued function and resilience of critical infrastructure and the support for the facilitation of quick recovery from adverse events.	Retain as proposed
17.	Strategic Direction	CR-03	Support	KiwiRail supports the direction to ensure that critical infrastructure takes into account the hazardscape, where practicable. Due to the linear nature of the existing rail corridor it is not always possible or practicable to avoid hazardscapes and KiwiRail supports recognition of this.	Retain as proposed
18.	Strategic Direction	NENV-03	Support	Recognition of the need for infrastructure to sometimes be located in significant areas is supported by KiwiRail.	Retain as proposed
19.	Strategic Direction	UFD – O1	Seek amendment	KiwiRail considers that the objective should be amended to make reference to the protection of critical infrastructure from reverse sensitivity effects.	Amend as follows: To have urban environments and built form on the West Coast/Te Tai o Poutini that: [...] 8. Promote the safe, efficient and effective provision and use of infrastructure, including the optimisation of the use of existing infrastructure and protection of critical infrastructure <b>from reverse sensitivity effects;</b>
20.	Infrastructure	INF- O1	Support	KiwiRail supports the intent of the objective to enable the safe and efficient development, operation, maintenance, and upgrading of infrastructure.	Retain as proposed
21.	Infrastructure	INF- O2	Support	The rail network can be vulnerable to adverse effects when incompatible subdivision, land use and development is located adjacent to an established rail line. KiwiRail supports the objective to protect infrastructure from adverse effects.	Retain as proposed
22.	Infrastructure	INF- O4	Support	The consideration for resilience and the potential impacts of climate change in infrastructure design and provision, is supported by KiwiRail	Retain as proposed
23.	Infrastructure	INF- O5	Support	KiwiRail supports recognition of the functional and operational need as well as the benefits of infrastructure.	Retain as proposed
24.	Infrastructure	INF-P1	Support	KiwiRail supports the recognition of the positive social, cultural and environmental benefits from the development, continued operation and upgrading of utilities and infrastructure.	Retain as proposed
25.	Infrastructure	INF-P2	Support	KiwiRail supports recognition that the adverse effects of infrastructure cannot always be managed and the inclusion of a policy framework how to assess effects in these situations with consideration for the following in particular: <ul style="list-style-type: none"> <li>• Locational, technical and operational constraints;</li> <li>• Resilience to natural hazards and climate change;</li> <li>• Poutini Ngāi Tahu preference for discharge of wastewater to land;</li> <li>• Benefits of co-location of infrastructure; and</li> <li>• The need to minimise adverse effects on the environment.</li> </ul>	Retain as proposed

26.	Infrastructure	INF-P3	Seek amendment	KiwiRail supports the protection of infrastructure from reverse sensitivity effects of subdivision, use and development that may constrain or compromise the safety and efficiency of the rail network. Amendments are requested to ensure the policy applies to all rail activities, not just the operation of the rail network.	Amend as follows: Manage reverse sensitivity effects from subdivision, use and development, on utilities and infrastructure to ensure their safe, secure and efficient operation, <b>maintenance, repair, upgrading, removal and development of infrastructure.</b>
27.	Infrastructure	INF-P5	Support	Stormwater discharge onto the rail corridor has the potential to damage the rail network and disrupt the safe and efficient function of the railway. KiwiRail supports the policy direction and provision for new allotments to manage stormwater on-site.	Retain as proposed
28.	Infrastructure	INF-P6	Support	KiwiRail supports policy that recognises the benefits that new technologies can bring to rail in terms of efficiency of the operation and safety and resilience of the network.	Retain as proposed
29.	Infrastructure	INF-R4	Support	KiwiRail supports the permitted activity status of temporary network activities, subject to standards.	Retain as proposed
30.	Infrastructure	INF-R7	Seek amendment	KiwiRail seeks amendment to this rule to ensure it applies to rail infrastructure. It is essential that rail activities are captured and provided for in the plan and the rules as proposed, fail to specifically provide for rail infrastructure activities. KiwiRail seeks permitted activity status for the installation, extension, operation, upgrade, maintenance and repair, or removal of rail infrastructure and ancillary vehicle access tracks, subject to standards.	Amend as follows: INF - R7 Installation, extension, maintenance, operation, upgrade and repair of <b>rail infrastructure</b> , lines, underground pipelines and ancillary vehicle access tracks erected by a Network Utility Operator. [...]
31.	Infrastructure	INF-R26	Seek amendment	KiwiRail seeks amendment to this rule to ensure it applies to aboveground infrastructure such as rail.	Amend as follows: INF-R26 Installation, extension, maintenance, operation, minor upgrade and repair of <b>rail infrastructure</b> , lines, poles and towers erected by a Network Utility Operator not meeting Permitted Activity standards.
32.	Transport	TRN-O1	Support	KiwiRail supports recognition of the critical role of land transport infrastructure within this objective.	Retain as proposed
33.	Transport	TRN-O3	Support	The safety and connectivity of land transport infrastructure is essential. If the interface between roads and rail corridors is not managed effectively, there is the potential for poor safety outcomes. KiwiRail supports the intent of this objective.	Retain as proposed
34.	Transport	TRN-O4	Support	KiwiRail supports the objective to encourage a resilient transport network to natural hazards and climate change.	Retain as proposed
35.	Transport	TRN-O5	Support	KiwiRail supports provision of safe and efficient access.	Retain as proposed
36.	Transport	TRN-P1	Support	KiwiRail is committed to maintaining and enhancing the rail network to provide safe and efficient transportation and therefore supports this policy.	Retain as proposed
37.	Transport	TRN-P2	Seek amendment	KiwiRail supports policy that promotes safety at vehicle crossings. KiwiRail seeks amendment to this policy to ensure that rail level crossings are a consideration as well as intersections and State Highways.	Amend as follows: Vehicle crossings and associated access will; a. Be designed and located to provide for safe, effective and efficient movement to and from sites; b. Minimise potential conflicts between vehicles, pedestrians and cyclists on the adjacent road network; and c. Manage vehicle access to and from sites adjacent to <b>rail level crossings</b> , intersections, and where State Highways meet.
38.	Transport	TRN-P3	Seek amendment	KiwiRail supports the intent of this policy but seeks amendment to ensure that buildings, structures, planting or other visual obstructions vegetation are restricted within sightlines of rail level crossings.	Amend as follows: Maximise user safety at road and rail level crossings by <del>considering the location of</del> <b>restricting</b> buildings, <b>structures, planting</b> and other visual obstructions within sightlines.

39.	Transport	TRN-P4	Seek amendment	KiwiRail does not typically support new at-grade level crossings. KiwiRail seeks amendment to this policy to strengthen the wording and requirement to achieve safety at all rail crossings.	Amend as follows: <del>Ensure any new</del> Road and pedestrian rail level crossings <del>carefully consider the</del> <b>must ensure</b> safety of road users, pedestrians, and the effective and efficient operation of the regions rail network.
40.	Transport	TRN-P5	Support	KiwiRail supports the control of vehicle access to sites adjacent to all road/rail level crossings to improve safety for road users on the approach to level crossings.	Retain as proposed
41.	Transport	Transport Rules Advice Notes	Support	The advice note advising plan users of the need to get approval from KiwiRail where any crossing will intersect with the rail corridor is supported.	Retain as proposed
42.	Transport	TRN-R1 Appendix 1-TRN-S1	Support	KiwiRail support the requirement for vehicle crossings to be setback a minimum of 30m from a railway level crossing as specified in clause TRN- S1. KiwiRail further support the requirement for KiwiRail approval for all new vehicle access points that intersect the rail corridor.	Retain as proposed
43.	Transport	TRN-RX Appendix 1-TRN-SX	Seek amendment	<p>Public safety at level crossings is crucial, and protection of sight lines is a key means of ensuring this. KiwiRail therefore support the inclusion of a standard for sight triangles for railway level crossings.</p> <p>This standard would support policy TRN-P3 and TRN-P4 to maximise road user safety and provide for the safe and effective use of the functioning of the transport network.</p> <p>In order to protect sight lines at level crossings, a new rule is proposed. Compliance with the standard would provide for development as a permitted activity, with non-compliance requiring a restricted discretionary activity consent, with discretion restricted to the aspects provided in TRN-P3.</p> <p>KiwiRail seeks the inclusion of the full suite of sight lines at railway level crossings provisions as outlined in our relief sought.</p>	<p>Insert as follows:</p> <p><b>TRN – RX : Sight lines at railway level crossings</b>  <b>All zones Activity status: Permitted</b>  <b>Where:</b>  a. <b>Compliance is achieved with TRN-SX.</b></p> <p><b>TRN – RX : Sight lines at railway level crossings not meeting Permitted Activity Standards</b>  <b>All zones Activity status: Restricted discretionary</b>  <b>Where:</b>  1. <b>Compliance is not achieved with TRN-SX.</b></p> <p><b>Discretion is restricted to:</b>  a. <b>The potential for adverse effects on the safety and efficiency of the rail network.</b></p> <p><b>Section 88 information requirements for applications:</b>  1. <b>Applications under this rule must provide, in addition to the standard information requirements, evidence of engagement with KiwiRail</b></p> <p><b>TRN – S(X): Level Crossing Sight Triangles</b>  <b>Buildings, structures, planting or other visual obstructions must not be located within the restart or approach sightline areas of railway level crossings as shown in the shaded areas of Figure 1 – TRN: Restart Sightlines and Figure 2 – TRN: Approach Sightlines below.</b></p> 



					<p><b>Figure 1: Approach Sight Triangles for Level Crossings with “Stop” or “Give Way” Signs</b></p> <p><b>Figure 2: Restart Sight Triangles for all Level Crossings</b></p>
2.	Natural Hazards	NH-O3	Support	Rail infrastructure is linear and is not easily relocated. KiwiRail supports the objective that recognises that in some instances, critical infrastructure is required to be located within areas of hazard risk.	Retain as proposed
3.	Natural Hazards	NH-O6	Support	KiwiRail supports the objective to protect infrastructure from natural hazard mitigation measures.	Retain as proposed
4.	Natural Hazards	NH-P3	Support	KiwiRail supports policy which recognises that, in some instances, hard engineering measures are necessary to reduce an immediate risk of serious harm to property or infrastructure.	Retain as proposed
5.	Historic Heritage	HH-O4	Seek amendment	KiwiRail supports provisions that seek to protect historic heritage. There are a number of heritage items within the rail corridor and KiwiRail seeks amendment to this objective to recognise the functional and operational need of infrastructure.	Amend as follows: Protect historic heritage by restricting relocation, repositioning, internal and external alterations and additions to heritage items and not allowing demolition and destruction, <b>while recognising the functional or operational need of infrastructure.</b>
6.	Historic Heritage	HH-PX	Seek amendment	KiwiRail seeks the inclusion of a new policy which recognises that there may instances where there is an operational or functional need for critical infrastructure to be located within a heritage setting.	Insert as follows: <b>Only allow new infrastructure on or within heritage items, heritage settings and historic heritage sites, identified in Schedule One where it can be demonstrated that:</b> <ol style="list-style-type: none"> <li><b>There is an operational need or functional need that means the infrastructure's location cannot be avoided; and</b></li> <li><b>The new infrastructure will protect and maintain the particular heritage and/or cultural values of that building, site, area, item and/or feature.</b></li> </ol>
7.	Ecosystems and Indigenous Biodiversity	ECO-P2	Seek amendment	KiwiRail supports policy that allows activities within significant habitats where the activity has a functional need to be located in that area. KiwiRail seeks amendment to strengthen this policy and include where an activity has an operational need to be located in a significant area. Rail has an operational need to be located within existing designated rail corridors and KiwiRail seeks recognition of this.	Amend as follows: Allow activities within areas of significant indigenous vegetation or significant habitats of indigenous fauna where: <ol style="list-style-type: none"> <li>This is for a lawfully established activity; or</li> <li>It is for a Poutini Ngāi Tahu cultural purpose; or</li> <li>This is undertaken on Poutini Ngāi Tahu or Te Rūnanga o Ngāi Tahu land in accordance with an Iwi/Papatipu Rūnanga Management Plan; or</li> <li>The activity has a functional <b>or operational</b> need to be located in the area;</li> <li>The activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat.</li> </ol>

8.	Ecosystems and Indigenous Biodiversity	ECO-P7	Support	KiwiRail supports ECO-P7 a. and g. which recognise the necessity of critical infrastructure and provides a hierarchy of avoid, remedy or mitigate impacts.	Retain as proposed
9.	Ecosystems and Indigenous Biodiversity	ECO-R1	Support	KiwiRail supports the rule which acknowledges the need to operate, repair and maintain infrastructure where it has been lawfully established as a permitted activity.	Retain as proposed
10.	Ecosystems and Indigenous Biodiversity	ECO-R2	Seek amendment	KiwiRail seeks amendment to ensure that this provision applies to operation, maintenance, repair, upgrading and installation of critical infrastructure as well as network utility infrastructure.	Amend as follows: Activity Status Permitted Where: This is for: Walking/cycling tracks, roads, farm tracks or fences; Operation, maintenance, repair, upgrading and installation of <b>critical infrastructure</b> , new network utility infrastructure and renewable electricity generation activities; or [...]
11.	Ecosystems and Indigenous Biodiversity	ECO-R5	Support	KiwiRail supports matter of discretion b. which considers the constraints imposed by functional or operational need of critical infrastructure.	Retain as proposed
12.	Natural Features and Landscapes	NFL-P1	Support	KiwiRail supports policy direction that provides for the operation, maintenance, upgrading and installation of new infrastructure within outstanding natural landscapes.	Retain as proposed
13.	Natural Features and Landscapes	NFL-P2	Support	KiwiRail supports policy that recognises that there is existing infrastructure location within outstanding natural landscapes and features, and provides an assessment hierarchy where when significant effects cannot be avoided, adverse effects are remedied, mitigated or offset.	Retain as proposed
14.	Natural Features and Landscapes	NFL-P3	Support	KiwiRail supports recognition that there is existing infrastructure within outstanding natural features or landscapes.	Retain as proposed
15.	Natural Features and Landscapes	NFL-P5	Support	KiwiRail supports consideration of the functional, technical, operational or locational need of any activity to be sited in the particular location. The rail network is linear and not easily relocated. KiwiRail supports policy direction which identifies the need for rail to be located in certain locations.	Retain as proposed
16.	Natural Features and Landscapes	NFL-R1	Support	KiwiRail supports this provision as it allows for maintenance, operation and repair of the railway within an ONL or ONF.	Retain as proposed
17.	Natural Features and Landscapes	NFL-R6	Support	KiwiRail supports reference to the Infrastructure Chapter within this provision.	Retain as proposed
18.	Natural Character and Margins of Waterbodies	NC-O3	Seek amendment	KiwiRail supports policy which recognises the functional need of an activity to be located in a certain area. However, KiwiRail seeks amendment to include operational need within this policy.	Amend as follows: To provide for activities which have <b>an operational or</b> functional need to locate in the margins of lakes, rivers and wetlands in such a way that the impacts on natural character are minimised.
19.	Natural Character and Margins of Waterbodies	NC-P2	Support	KiwiRail supports policy that provides for vegetation clearance and earthworks within riparian margins of lakes, rivers and wetlands if for the maintenance, repair, upgrade and extension of infrastructure and effects on natural character are minimised.	Retain as proposed
20.	Natural Character and Margins of Waterbodies	NC-R1	Support	KiwiRail supports the permitted activity status of maintenance, operation, minor upgrade and repair of critical infrastructure.	Retain as proposed
21.	Natural Character and Margins of Waterbodies	NC-R2	Seek amendment	KiwiRail seeks amendment to this rule to ensure it applies to buildings and structures ancillary to critical infrastructure. Parts of the rail network are adjacent to rivers within the West Coast. KiwiRail seeks permitted activity status of structures necessary to protect the rail corridor in these dynamic environments.	Amend as follows: Activity Status Permitted Where the buildings and structures are: a. Network utilities;

					<ul style="list-style-type: none"> <li>b. Temporary whitebait stands;</li> <li>c. Environmental monitoring facilities;</li> <li>d. Parks facilities and parks furniture within an Open Space and Recreation Zone;</li> <li>e. Natural hazard mitigation structures constructed by a statutory agency or their nominated contractor; or</li> <li>f. Renewable electricity generation facilities where these have a functional need to locate within the riparian margin; or</li> <li>g. Stormwater discharge structures and water supply intake structures constructed in accordance with NZS 4404 Code of Practice for Land Development and Subdivision Infrastructure; or</li> <li>h. <b>Critical infrastructure.</b></li> </ul>
22.	Subdivision	SUB-O2	Seek amendment	KiwiRail supports the intent of this policy however, seeks amendment to ensure it facilitates the safe and efficient operation of critical infrastructure.	<p>Amend as follows:</p> <p>Subdivision occurs in locations and at a rate that:</p> <ul style="list-style-type: none"> <li>a. Is supported by the capacity of existing infrastructure networks, or provides for infrastructure facilities and networks that are sufficient to accommodate growth and development that meets the standards required by the Council and the Plan;</li> <li>b. Facilitates the <b>safe and efficient</b> operation of critical infrastructure;</li> </ul> <p>[...]</p>
23.	Subdivision	SUB-P2	Support	Stormwater discharge onto the rail corridor has the potential to damage the rail network and disrupt the safe and efficient function of the railway. KiwiRail supports policy direction to ensure that stormwater does not result in increased flooding and erosion risk.	Retain as proposed
24.	Subdivision	SUB-P5	Support	KiwiRail supports policy direction to avoid subdivision within the FUZ if it compromises the efficient and effective operation of the transport network or results in reverse sensitivity on existing infrastructure.	Retain as proposed
25.	Subdivision	SUB-P6	Seek amendment	KiwiRail seeks amendment to this policy to ensure subdivision in all zones does not result in reverse sensitivity effects on infrastructure. The rail network interacts with almost all zones within the West Coast. KiwiRail seeks policy that identifies that subdivision in any zone could result in the location of a noise sensitive use adjacent to the rail corridor. If not managed effectively at the subdivision stage, this can result in reverse sensitivity effects on the operational corridor which threatens the effective function and operation of the existing rail network.	<p>Amend as follows:</p> <p>Avoid subdivision:</p> <ul style="list-style-type: none"> <li>a. In the RURZ - Rural Zones that could result in the creation of an unplanned new settlement;</li> <li>b. In the Earthquake Hazard Overlay that could result in the creation of new allotments;</li> <li>c. Where detached minor residential units in RURZ - Rural Zones become legally separated from the main residential unit thereby creating cumulative effects on rural character and productivity;</li> <li>d. Where this could create significant reverse sensitivity issues in relation to the MINZ - Mineral Extraction Zone or Energy Activities;</li> <li>e. In the Coastal environment outside of areas that are already modified unless adverse effects on the natural character of the coastal environment can be avoided or mitigated; and</li> <li>f. In areas of significant risk of natural hazards, where this is for the purposes of accommodating and/or servicing people and communities.</li> </ul> <p><b>g. In all zones that could result in reverse sensitivity effects on infrastructure.</b></p>
26.	Subdivision	SUB-O7	Support	KiwiRail supports part c. of this policy which seeks to protect critical infrastructure from adverse effects of subdivision.	Retain as proposed
27.	Subdivision	SUB-R2	Support	The permitted activity status of subdivision for critical infrastructure is supported by KiwiRail.	Retain as proposed
28.	Subdivision	SUB-R5	Seek amendment	KiwiRail supports matter of discretion p. relating to the management of reverse sensitivity. KiwiRail seeks amendment to ensure this applies to critical infrastructure such as the rail network.	<p>Amend as follows:</p> <p>Matters of control are:</p> <p>[...]</p>

					p. Management of potential reverse sensitivity effects on existing land uses, including <b>critical infrastructure</b> , network utilities, rural activities or significant hazardous facilities.
29.	Subdivision	SUB-R6	Seek amendment	KiwiRail supports matter of discretion m. relating to the management of reverse sensitivity. KiwiRail seeks amendment to ensure this applies to critical infrastructure such as the rail network.	Amend as follows: Matters of control are: [...] m. Management of potential reverse sensitivity effects on existing land uses, including <b>critical infrastructure</b> , network utilities, rural activities or significant hazardous facilities.
30.	Subdivision	SUB-S6	Support	KiwiRail supports the requirement to comply with the Transport Performance Standards, subject to the relief sought above.	Retain as proposed
31.	Coastal Environment	CE-O3	Seek amendment	KiwiRail supports policy which recognises the functional need of an activity to be located in a certain area. However, KiwiRail seeks amendment to include operational need within this policy.	Amend as follows: To provide for activities which have <b>an operational or</b> functional need to locate in the margins of lakes, rivers and wetlands in such a way that the impacts on natural character are minimised.
32.	Coastal Environment	CE-P3	Seek amendment	The rail network is within the mapped Coastal Environment in certain areas. KiwiRail seeks amendment to this policy to allow for new use and development of the rail network where there is a functional and operational need to be located in these areas.	Amend as follows: Only allow new subdivision, use and development within areas of outstanding and high coastal natural character, outstanding coastal natural landscapes and outstanding coastal natural features where: a. The elements, patterns, processes and qualities that contribute to the outstanding or high natural character or landscape are maintained; b. Significant adverse effects on natural character, natural landscapes and natural features, and adverse effects on areas of significant indigenous biodiversity, areas of outstanding natural character and outstanding natural landscapes and features are avoided; c. The development is of a size, scale and nature that is appropriate to the environment; d. It is for a Poutini Ngāi Tahu cultural purpose; or e. It is National Grid infrastructure <b>or critical infrastructure</b> that has a functional and operational need to locate in these areas.
33.	Coastal Environment	CE-P5	Support	KiwiRail supports policy which provides for buildings and structures within the coastal environment if there is a functional or operational need to locate in the coastal environment.	Retain as proposed
34.	Coastal Environment	CE-P8	Seek amendment	KiwiRail seeks amendment to this policy so that it not only applies to the national grid, but all critical infrastructure. The rail network extends within the coastal environment and KiwiRail seek to ensure that it can continue to operate safely and efficiently.	Amend as follows: Enable the maintenance, repair and operation of <b>critical infrastructure and</b> the National Grid. Where new development and upgrades of <b>critical infrastructure and</b> the National Grid are required, seek to avoid and otherwise remedy or mitigate adverse effects on Overlay Chapter areas.
35.	Coastal Environment	CE-R1	Seek amendment	KiwiRail seeks amendment to this rule to ensure it applies to critical infrastructure and the rail network.	Amend as follows: Maintenance and repair of lawfully established structures, network utilities, <b>critical infrastructure, railway</b> , renewable electricity generation, fence lines and tracks within the Coastal Environment.
36.	Coastal Environment	CE-R4 CE-R5	Support	KiwiRail supports the permitted activity status of network utilities buildings and structures in the Coastal Environment, subject to standards.	Retain as proposed
37.	Coastal Environment	CE-R7 CE-R11	Support	KiwiRail supports the permitted activity status of earthworks within the coastal environment for the operation, maintenance, repair, upgrade or installation of new network utility infrastructure.	Retain as proposed

38.	Coastal Environment	CE-R10	Support	KiwiRail supports the permitted activity status of new buildings or structures within the coastal environment for the operation, maintenance, repair, or minor upgrade of network utility infrastructure.	Retain as proposed
39.	Earthworks	EW-P4	Support	KiwiRail supports policy to protect critical infrastructure from the adverse effects of infrastructure.	Retain as proposed
40.	Earthworks	EW-R1	Support	KiwiRail supports the permitted activity status of earthworks by network utility operations, subject to standards.	Retain as proposed
41.	Earthworks	EW-R2	Support	The permitted activity status of earthworks including stockpiles required for critical infrastructure maintenance, operation, repair, upgrade or installation is supported by KiwiRail.	Retain as proposed
42.	Noise	NOISE-O2	Support	KiwiRail supports the recognition of the function and operation of existing rail activities, and the aim to protect these activities from reverse sensitivity effects.	Retain as proposed
43.	Noise	NOISE-P1	Support	KiwiRail supports having regard to critical infrastructure when enabling the generation of noise.	Retain as proposed
44.	Noise	NOISE-P2	Support	KiwiRail supports policy requiring sensitive activities to be located and designed to minimise adverse effects on the amenity and health of occupants when located in close proximity to the railway corridor.  Noise and vibration can have an impact on the internal amenity of a building. Appropriate mitigation, installed to ensure that the health and wellbeing of those living and working near to the rail network are not adversely affected, is pivotal to ensure that undue restrictions are not placed on the operation of the rail network.	Retain as proposed
45.	Noise	NOISE-R2	Support	KiwiRail support the inclusions of train movements and level crossing bells as a permitted activity.	Retain as proposed
46.	Noise	NOISE-RX	Seek amendment	KiwiRail seeks the inclusion of noise and vibration controls requiring acoustic insulation and ventilation to be installed in new (or altered) sensitive uses within 100m of the railway corridor.  Noise and Vibration from rail corridors can potentially give rise to adverse health and amenity effects on noise sensitive activities located nearby if not properly addressed and provided for. The proposed standard provides options for developers in achieving an appropriate level of amenity for residents who live within 100m of the rail corridor.  The rail network is a 24 hour a day, seven day a week operation, and the frequency, length and weight of trains can change without community consultation. Noise and vibration can have an impact on the internal amenity of a building. Appropriate mitigation, installed to ensure that the health and wellbeing of those living and working near to the rail network are not adversely affected, is pivotal to ensure that undue restrictions are not placed on the operation of the rail network. Rail activities not only generate noise, but also vibration effects. KiwiRail seek amendment to require acoustic and vibration treatment for sensitive activities within identified corridors adjacent to the railway networks to ensure an appropriate level of internal amenity is achieved in buildings adjacent to the rail corridor. The proposed standard includes the requirement for feedback form KiwiRail. As the railway and network utility operator, KiwiRail's feedback about any effects of non-compliance is required to ensure that any proposed mitigation is appropriate.  KiwiRail also seeks controls within 60m of the railway corridor, for buildings containing new (or altered) sensitive uses to be constructed to manage the impacts of vibration. These controls are important to ensure new development is undertaken in a way that achieves a healthy living environment for people locating	Include noise, vibration and mechanical ventilation standards provided in Appendix A.

				within proximity to the railway corridor, minimising the potential for complaints about the effects of the railway network.	
47.	Signs	SIGN-P3	Support	KiwiRail supports policy direction that ensures signs do not adversely affect traffic safety, particularly at rail level crossings.	Retain as proposed
48.	Signs	SIGN-R1	Support	KiwiRail supports this rule as it does not permit signs that obstruct the line of sign of all rail crossing or obstruct, obscure or impair the view of and of any railway sign or signal. This is essential to avoid safety issues arising at level crossings.	Retain as proposed
49.	Signs	SIGN-R2	Seek amendment	Railway signs are important to alert people of the rail corridor and train movements. KiwiRail supports provisions which allow for signs to be located within the rail corridor as a permitted activity. KiwiRail seek amendment to ensure the Proposed Plan refers to the correct organisation.	Amend as follows: Activity Status Permitted Where: a. The sign is required by Waka Kotahi - NZ Transport Agency and is located within a road reserve; or b. The sign is required by <del>NZ Railways Corporation</del> /KiwiRail and is located within a rail corridor; or c. The sign is required by the Council and is located within a road reserve or road corridor for a formed legal road.
50.	Temporary activities	TEMP-R2	Seek amendment	KiwiRail seeks amendment to this provision to allow for the establishment of temporary works sites to carry out works to the rail corridor, which may be adjacent to transport or other infrastructure. For safety reasons it is not always possible to work from within a transport corridor. A discretionary status where a worksite is proposed adjacent to the corridor will not facilitate critical infrastructure works.	Amend as follows: Activity Status Permitted Where: a. These are removed within 1 month of the activity ceasing and the site reinstated to the original or better condition; b. The building or structure is located on the same site <b>or an adjacent site</b> as the construction or demolition activity; c. Relevant zone Setback standards are met where the activity adjoins any Residential or Settlement Zone; d. The building or structure is on the same site <b>or adjacent site</b> as the construction or demolition activity; e. Any temporary building is no more than 50m2 in gross floor area where this adjoins a residential zone.
<b>Part 3 – Area specific matters</b>					
51.	Multiple	All zones adjacent to rail corridor including:  Natural Open Space Open Space Commercial Mixed Use Neighbourhood Centre Town Centre General Industrial Light Industrial General Residential Large Lot Residential Medium Density General Rural Rural Lifestyle Settlement Buller Coalfield Future Urban Hospital Zone Mineral Extraction Māori Purpose Port Zone	Seek amendment	For health and safety reasons, KiwiRail seek a setback for structures from the rail corridor boundary. While KiwiRail do not oppose development on adjacent sites, ensuring the ability to access and maintain structures without requiring access to rail land is important.  KiwiRail note there are specific road boundary setback rules in some zone chapters and varying side and rear boundary setbacks in the Proposed Plan. KiwiRail considers that a 5 metre setback from the rail corridor is appropriate in providing for vehicular access to the backs of buildings (e.g. a cherry picker) and allowing for scaffolding to be erected safely. This in turn fosters visual amenity, as lineside properties can be regularly maintained. It provides for the unhindered operation of buildings, including higher rise structures and for the safer use of outdoor deck areas at height.  KiwiRail seek a 5 metre building setback in all zones which adjoin the rail corridor as proposed in our relief sought. This includes new matters of discretion when there is a non-compliance with the rail boundary setback rule.	Amend as follows:  New rule: Activity Status Permitted Where:  <b>X. No building or structure may be located within 5m of any site boundary with the rail corridor.</b>  <b>Activity status when compliance not achieved: RDIS</b>  <b>New rule:</b> <b>Buildings or structures not meeting Rule XXX-RX</b> <b>Activity Status Restricted Discretionary</b> <b>Where:</b> <b>The building is setback less than 5m from the rail corridor boundary.</b>  <b>Discretion is restricted to:</b> <b>1. the location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor; and</b> <b>2. the safe and efficient operation of the rail network.</b>

52.	Designations	KiwiRail Holdings Limited	Seek amendment	KiwiRail seeks minor amendments for consistency with the designation of rail corridors in district plans throughout the country.	Amend as follows: KiwiRail Holdings Limited Designations																
					<table border="1"> <tr> <td>Designation unique identifier</td> <td>KRH 1</td> </tr> <tr> <td>Designation purpose</td> <td>Railway <b>Purposes</b></td> </tr> <tr> <td>Site identifier</td> <td></td> </tr> <tr> <td><b>Designation Hierarchy under section 177 of the RMA</b></td> <td><b>Primary</b></td> </tr> <tr> <td>Lapse date</td> <td>Given effect to</td> </tr> <tr> <td>Designation hierarchy under section 177 of the Resource Management Act</td> <td>N/A</td> </tr> <tr> <td>Conditions</td> <td>No</td> </tr> <tr> <td>Additional information</td> <td>N/A</td> </tr> </table>	Designation unique identifier	KRH 1	Designation purpose	Railway <b>Purposes</b>	Site identifier		<b>Designation Hierarchy under section 177 of the RMA</b>	<b>Primary</b>	Lapse date	Given effect to	Designation hierarchy under section 177 of the Resource Management Act	N/A	Conditions	No	Additional information	N/A
Designation unique identifier	KRH 1																				
Designation purpose	Railway <b>Purposes</b>																				
Site identifier																					
<b>Designation Hierarchy under section 177 of the RMA</b>	<b>Primary</b>																				
Lapse date	Given effect to																				
Designation hierarchy under section 177 of the Resource Management Act	N/A																				
Conditions	No																				
Additional information	N/A																				
<b>Planning maps</b>																					
53.	All maps containing railway designation	Designation KRH1	Support	KiwiRail supports the mapped extent of the rail lines as proposed.	Retain as proposed																
54.	All maps containing railway designation	Designated rail corridor	Seek amendment	The objectives identifying Outstanding Natural Features and Landscapes and Outstanding Natural Character is to ensure that these landscapes and their attributes are recognised and protected from inappropriate subdivision, use and development. The benefits of infrastructure are provided irrespective of location. The Plan also recognises the functional need for infrastructure to be located within these areas, and that designated land transport corridors are generally highly modified areas.	Amend the Proposed District Plan Maps to remove any overlays for; <ul style="list-style-type: none"> <li>Outstanding Natural Features;</li> <li>Outstanding Natural Landscapes; and</li> <li>Outstanding Natural Character</li> </ul> On KiwiRail's designation (as listed under "KRH1 KiwiRail Holdings Limited").																

**Activity status: Permitted**

**Indoor railway noise**

**1. Any new building or alteration to an existing building that contains an activity sensitive to noise where the building or alteration:**

**(a) is designed, constructed and maintained to achieve indoor design noise levels resulting from the railway not exceeding the maximum values in the following table: or**

<b><u>Building type</u></b>	<b><u>Occupancy/activity</u></b>	<b><u>Maximum railway noise level LAeq(1h)</u></b>
<b><u>Residential</u></b>	<b><u>Sleeping spaces</u></b>	<b><u>35 dB</u></b>
	<b><u>All other habitable rooms</u></b>	<b><u>40 dB</u></b>
<b><u>Education</u></b>	<b><u>Lecture rooms/theatres, music studios, assembly halls</u></b>	<b><u>35 dB</u></b>
	<b><u>Teaching areas, conference rooms, drama studios, sleeping areas</u></b>	<b><u>40 dB</u></b>
	<b><u>Libraries</u></b>	<b><u>45 dB</u></b>
<b><u>Health</u></b>	<b><u>Overnight medical care, wards</u></b>	<b><u>40 dB</u></b>
	<b><u>Clinics, consulting rooms, theatres, nurses' stations</u></b>	<b><u>45 dB</u></b>
<b><u>Cultural</u></b>	<b><u>Places of worship, marae</u></b>	<b><u>35 dB</u></b>

**(b) is at least 50 metres from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to all points 3.8 metres above railway tracks, or**

**(c) is a single-storey framed residential building with habitable rooms designed, constructed and maintained in accordance with the construction schedule in Schedule 'Z'.**

**Mechanical ventilation**

**2. If a building is constructed in accordance with 1(c), or if windows must be closed to achieve the design noise levels in clause 1(a), the building is designed, constructed and maintained with a mechanical ventilation system that**

**(a) For habitable rooms for a residential activity, achieves the following requirements:**

**i. provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and**

**ii. is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and**

**iii. provides relief for equivalent volumes of spill air;**

**iv. provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and**

**v. does not generate more than 35 dB LAeq(30s) when measured 1 metre away from any grille or diffuser.**

**(b) For other spaces, is as determined by a suitably qualified and experienced person.**

**Indoor railway vibration**

**Activity status when compliance not achieved:**

**Restricted discretionary**

**Matters of discretion are restricted to:**

**1. Whether the activity sensitive to noise could be located further from the railway network.**

**2. The extent to which the noise and vibration criteria are achieved and the effects of any non-compliance.**

**3. The character of, and degree of, amenity provided by the existing environment and proposed activity.**

**4. The reverse sensitivity effects on the rail network, and the extent to which mitigation measures can enable their ongoing operation, maintenance and upgrade.**

**5. Special topographical, building features or ground conditions which will mitigate vibration impacts;**

**6. The outcome of any consultation with KiwiRail.**

**Notification:**

**Application for resource consent under this rule will 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.**



**3. Any new buildings or alterations to existing buildings containing an activity sensitive to noise, closer than 60 metres from the boundary of a railway network:**

**(a) is designed, constructed and maintained to achieve rail vibration levels not exceeding 0.3 mm/s  $v_{w,95}$  or**

**(b) is a single storey framed residential building with:**

- a. **a constant level floor slab on a full-surface vibration isolation bearing with natural frequency not exceeding 10 Hz, installed in accordance with the supplier's instructions and recommendations: and**
- b. **vibration isolation separating the sides of the floor slab from the ground: and**
- c. **no rigid connections between the building and the ground.**

**4. A report is submitted to the council demonstrating compliance with clauses (1) to (3) above (as relevant) prior to the construction or alteration of any building containing an activity sensitive to noise. In the design:**

**(a) railway noise is assumed to be 70  $L_{Aeq(1h)}$  at a distance of 12 metres from the track, and must be deemed to reduce at a rate of 3 dB per doubling of distance up to 40 metres and 6 dB per doubling of distance beyond 40 metres.**

**Where the activity complies with the following rule requirements:**

**Nil**