

23 September 2024

Independent Hearings Panel
Proposed Te Tai o Poutini Plan
PO Box 66
Greymouth 7840

By email to: chu.zhao@wrc.govt.nz

Dear Commissioners,

Proposed Te Tai o Poutini Plan – Topic 19B (Coastal Environment)

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

KiwiRail made a submission on the Proposed Te Tai o Poutini Plan (**Proposed Plan**) on 27 October 2022. Eight of KiwiRail's submission points on the TPPP have been allocated to Topic 19B.¹

KiwiRail opposes Council Officer's (Ms Easton) recommendations contained in the 'Section 42A Officer's Report – Coastal Environment' in respect of Policies CE-P3 and CE-P8. These policies provide for new subdivision, use and development (CE-P8), and maintenance, repair and operation activities (CE-P8), in areas of outstanding and high coastal natural character, outstanding coastal natural landscapes and outstanding coastal natural features (**Outstanding Areas**).

Ms Easton rejected KiwiRail's submission to include reference to "critical infrastructure" in both these policies.² Ms Easton relies on the policy direction in the West Coast Regional Policy Statement (**RPS**), stating the "enabling and supportive direction within the coastal environment relates to the National Grid and renewable electricity generation activities, not regionally significant or critical infrastructure more widely".³

While there is specific RPS direction for the National Grid, including in the coastal environment, RPS Objective 1 and Policy 2 are not limited to the National Grid (or the coastal environment) and enable or provide for the development, operation, maintenance and upgrading of new and existing regionally significant infrastructure.

Further, RPS Policy 5 provides a framework for effects management (anticipating some effects may occur but noting the exception for indigenous biodiversity). The Explanation to Policy 5 specifically recognises ..., *in some cases it may be appropriate for new infrastructure to be located in, or traverse parts of, a sensitive environment to achieve a net benefit, or lower overall adverse effects.*

The RPS provides broad policy support for regionally significant infrastructure to locate in sensitive environments and a framework to manage effects; a more specific National Grid related policy needs to be seen in the context of broader RPS objectives and policies. It is appropriate for the broader RPS policies to be reflected in the Proposed Plan policies through the relief sought by KiwiRail.

¹ Submission points 442.073 – 442.080.

² Submission points 442.074 and 442.076.

³ Section 42A Report at [207].



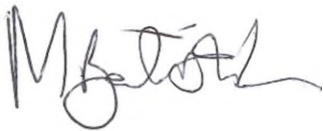
Ms Easton's recommendation to only provide for the National Grid in Policies CE-P3 and CE-P8 has significant implications for the railway network, which is partly located in Outstanding Areas across the West Coast region (refer to the plans included at **Appendix B** to this letter for these locations). Like the National Grid, the railway network is a lifeline utility and defined as regionally significant infrastructure in the Proposed Plan. It is critical that the Proposed Plan recognises and provides for activities that are necessary to ensure the safe and efficient operation of the railway network (such as maintenance, repair and upgrade activities), including in circumstances where there is a functional or operational need for those activities to be undertaken in the coastal environment.

KiwiRail therefore continues to seek the relief sought in its submission, that reference to "critical infrastructure" be included in Policies CE-P3 and CE-P8 of the Proposed Plan. Alternatively, KiwiRail would accept "regionally significant infrastructure".

In respect of KiwiRail's other submission points, KiwiRail generally accepts the Council Officer's recommendations contained in the 'Section 42A Officer's Report – Coastal Environment'. KiwiRail's position on these recommendations is set out in the table included at **Appendix A** to this letter.

At this stage, KiwiRail does not wish to be heard at the hearing for Topic 19B, and respectfully requests this letter is tabled as a record of KiwiRail's position. We are available to answer any questions from the Hearing Panel either in writing or via videoconference if required.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Marija Batistich".

Marija Batistich | Michelle Grinlinton-Hancock

Senior Corporate Counsel | Manager RMA Team

KiwiRail Holdings Limited



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

Submission number	Provision	Recommendation	Comments on Council Officer's recommendation
442.073	CE-O3	Accepted	KiwiRail sought to amend CE-O3 as follows: "To provide for activities which have <u>an operational or functional</u> need to locate in the margins of lakes, rivers and wetlands in such a way that the impacts on natural character are minimized." The Council Officer accepted this amendment as it is consistent with other provisions in the Proposed Plan. ⁴
442.075	CE-P5	Accepted in part	KiwiRail sought to retain CE-P5 as proposed, however the Council Officer recommended amendments via other submissions, to include some additional circumstances where buildings and structures are permitted within the coastal environment outside of outstanding areas. ⁵ KiwiRail accepts this position.
442.077	CE-R1	Accepted in part	KiwiRail sought to amend CE-R1 as follows: "Maintenance and repair of lawfully established structures, network utilities, <u>critical infrastructure, railway</u> , renewable electricity generation, fence lines and tracks within the Coastal Environment." This relief is accepted in part as the Council Officer has recommended including reference to "regionally significant infrastructure" (rather than "critical infrastructure") within CE-R1. Ms Easton notes the railway network is identified within the definition of "regionally significant infrastructure" so it is not necessary to include a separate reference to "railway" in CE-R1. ⁶ KiwiRail accepts this position and will not pursue this relief further.
442.078	CE	Accepted in part	KiwiRail sought to retain the Permitted Activities set out in the Coastal Environment chapter of the Proposed Plan as notified. This relief is accepted in part due to the inclusion of a new rule (CE-RXX) in the Proposed Plan to provide for afforestation with commercial forestry in the coastal environment outside of High and Outstanding Coastal Natural

⁴ Section 42A Report at [99] – [100] and [109].

⁵ Section 42A Report at [174].

⁶ Section 42A Report at [238].



			Character Areas. ⁷ KiwiRail accepts this position.
442.079	CE-R7	Accepted in part	KiwiRail sought to retain CE-R7 as notified, however the Council Officer recommended amendments via other submissions as follows: "These are for: a. <u>Operation, maintenance, repair and upgrade of existing walking/cycling tracks, roads, farm tracks or fences</u> ; b. <u>Operation, maintenance, repair, upgrade of existing or installation of new network utility infrastructure or renewable electricity generation</u> ; c. <u>Installation of new network utility infrastructure where this is located within the boundary of a formed legal road</u> ; or [...]" ⁸ The Council Officer's recommendation is slightly more restrictive than the notified CE-R7, given the installation of new network utility infrastructure in the High Coastal Natural Character Overlay must now be located within the boundary of a formed legal road for earthworks to be permitted. KiwiRail considers this restriction is unnecessary and seeks the notified version of the rule is retained.
442.080	CE-R10	Accepted in part	KiwiRail sought to retain CE-R10 as notified. This relief is accepted in part as the Council Officer recommends a minor amendment to the title of CE-R10 as follows: " <u>Erection of Buildings or Structures</u> in the Outstanding Coastal Environment Area" (noting the content of CE-R10 is the same as the notified rule). ⁹

⁷ Section 42A Report at [235].

⁸ Section 42A Report at [355].

⁹ Section 42A Report at [401].



Appendix B – Maps showing the location of the railway network in areas of Outstanding Coastal Natural Character, High Coastal Natural Character, Outstanding Coastal Natural Landscapes, and Outstanding Coastal Natural Features

Outstanding Natural Features



Outstanding Natural Landscape



Outstanding Coastal Natural Character and High Coastal Natural Character

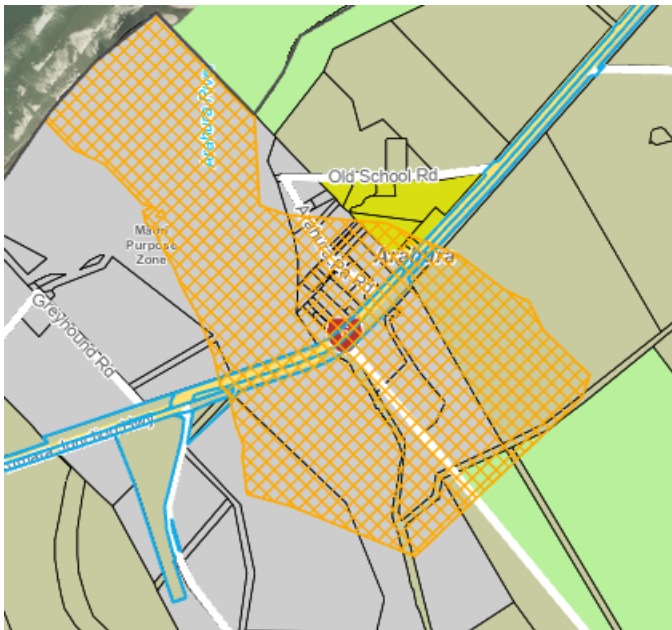


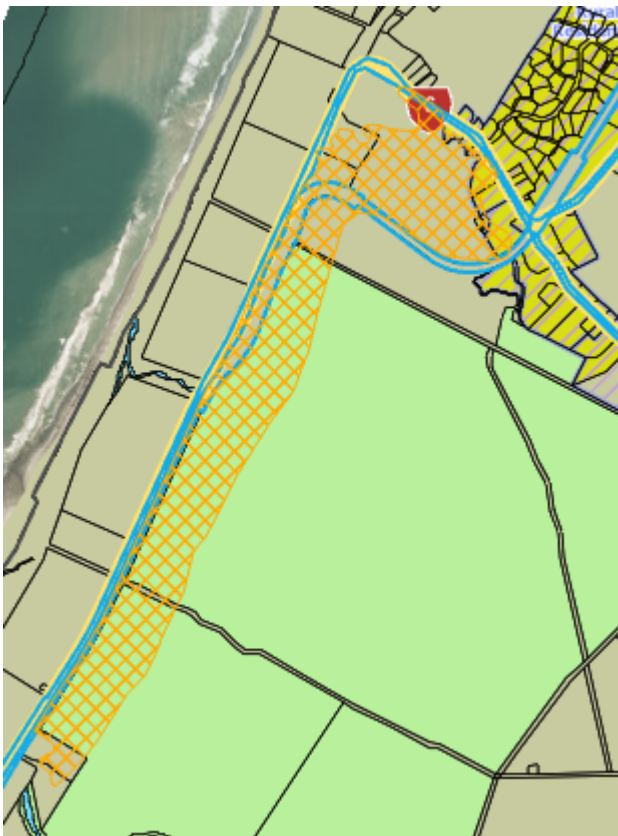
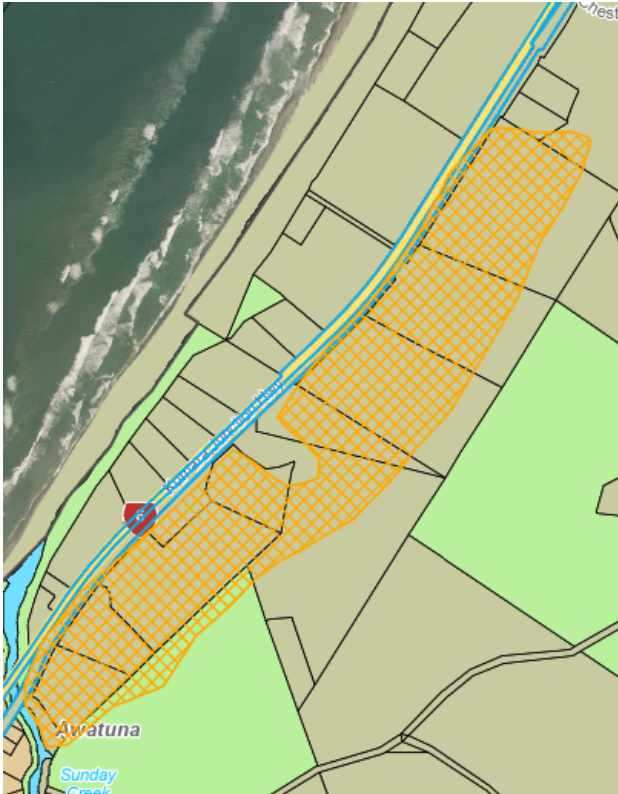
High Natural Character

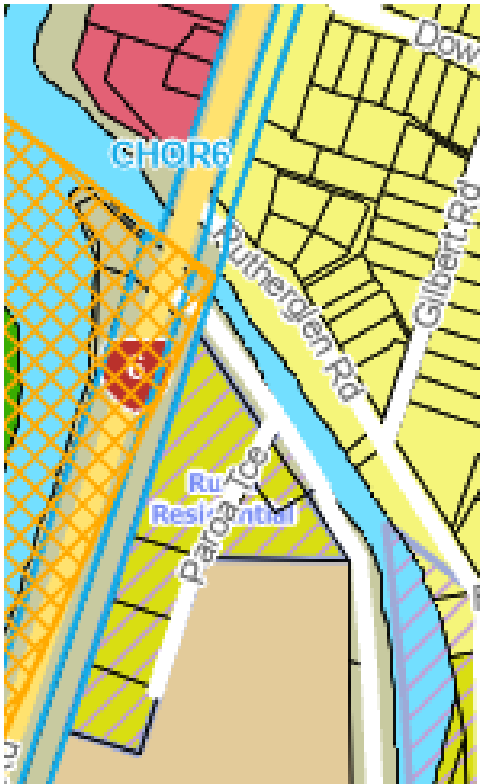


Outstanding Natural Character

Designations

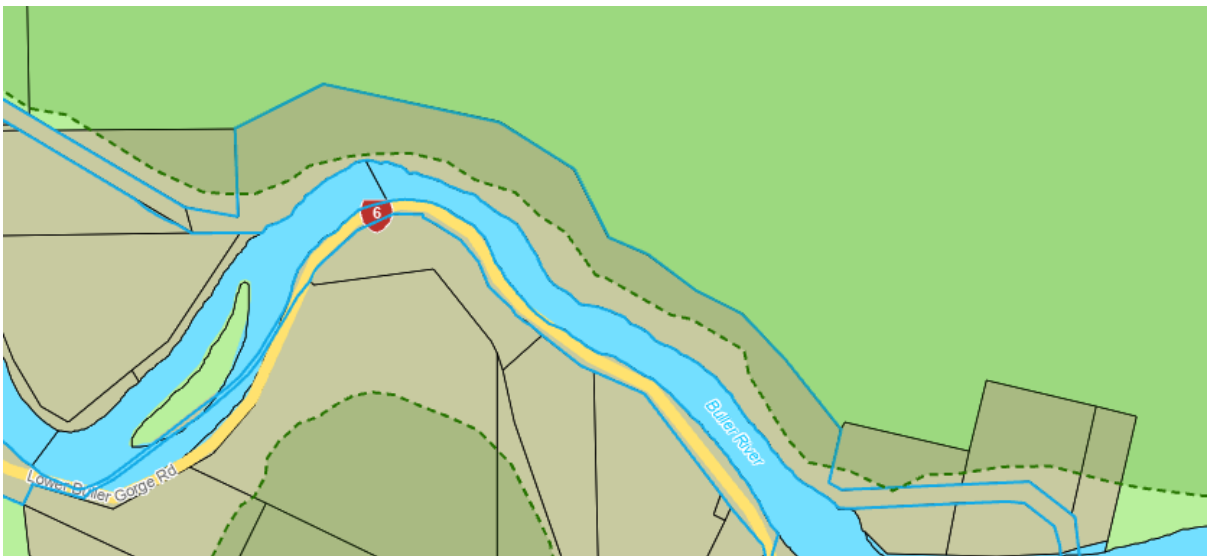


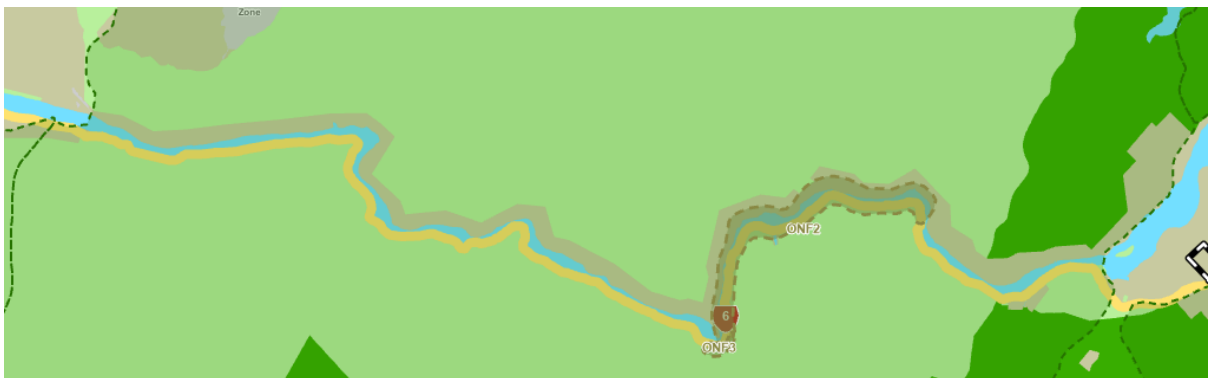




Above: Rapahoe Yard







Above: Full rail designation brown line immediately north of Buller River (blue) in ONL and ONF



