

25 August 2020

New Plymouth District Council
Private Bag 2025
New Plymouth 4342

By email: districtplan@npdc.govt.nz

KIWIRAIL FURTHER SUBMISSION ON PROPOSED NEW PLYMOUTH DISTRICT PLAN

NAME OF SUBMITTER:

KiwiRail Holdings Limited (KiwiRail)

ADDRESS FOR SERVICE:

Level 1
Wellington Railway Station
Bunny Street
PO Box 593
WELLINGTON 6140

Attention: Michelle Grinlinton-Hancock

Ph: 04 498 2127

Email: Michelle.Grinlinton-Hancock@kiwirail.co.nz

Background

KiwiRail made a submission on the Proposed New Plymouth District Plan (Proposed District Plan), listed as Submission 514. KiwiRail makes the following further submission in support of or opposition to submissions on the Proposed District Plan, as set out in the **attached** schedule.

For the submissions that KiwiRail supports, KiwiRail considers that the relief sought should be allowed because it:

- will promote the sustainable management of the natural and physical resources in the New Plymouth District, and is therefore consistent with Part 2 and other provisions of the Resource Management Act 1991 (RMA);
- is consistent with other relevant planning documents, including the Taranaki Regional Policy Statement and Taranaki Regional Plan;
- will meet the reasonably foreseeable needs of future generations;
- will enable the social, economic and cultural wellbeing of the people of the Taranaki District;
- will avoid, remedy or mitigate actual and potential adverse effects on the environment; and
- is the most appropriate way to achieve the objectives of the Proposed District Plan in terms of section 32 of the RMA.



For the submissions that KiwiRail opposes, KiwiRail considers that the relief sought should be declined because it:

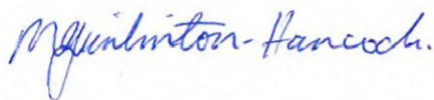
- will not promote the sustainable management of the natural and physical resources in the New Plymouth District, and is therefore contrary to or inconsistent with Part 2 and other provisions of the RMA;
- is inconsistent with other relevant planning documents, including the Taranaki Regional Policy Statement and Taranaki Regional Plan;
- will not meet the reasonably foreseeable needs of future generations;
- will not enable the social, economic and cultural wellbeing of the people of the New Plymouth District;
- will not avoid, remedy or mitigate actual and potential adverse effects on the environment; and
- is not the most appropriate way to achieve the objectives of the Proposed District Plan in terms of section 32 of the RMA.

For those submissions that KiwiRail supports, KiwiRail seeks that they be allowed, and for those that are opposed, KiwiRail seeks that they be disallowed.

KiwiRail wishes to speak to its submission and further submission. KiwiRail could not gain an advantage in trade competition through this further submission.

KiwiRail is happy to clarify any of its further submissions and / or supporting comments, if necessary.

Kind regards

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

Michelle Grinlinton-Hancock
Senior RMA Advisor
KiwiRail



Submitter and Submission ID	Relevant Provision	Original Submission Point	Support / Oppose	Reasons for Support or Opposition	Decision sought
Kainga Ora – Homes and Communities, 563.619	MUZ / Policies / MUZ-P4	Amend MUZ-P4 as follows: Support Enable multi-unit housing developments that will assist in providing a range of housing types and sizes in the district, <u>while managing any reverse sensitivity effects including from the higher levels of ambient noise and reduced privacy that may result from non-residential activities.</u>	Oppose in part	KiwiRail supports the recognition of the need to manage potential reverse sensitivity effects associated with new residential development. However, the amendments proposed do not reflect the concept of reverse sensitivity. New development or activities cannot be the subject of reverse sensitivity effects. Reverse sensitivity refers to the susceptibility of lawfully <i>established</i> , effects-generating activities to complaints arising from the location of new incompatible (eg sensitive) activities nearby. Such effects do not arise from established, non-residential activities. Rather, they are effects <u>on</u> established activities that result from incompatible sensitive development locating in proximity to those established activities.	Disallow the submission.
Kainga Ora – Homes and Communities, 563.393	NOISE / Rules / NOISE-R5	Amend Rule NOISE-R5 as follows: Erection of a new building to be occupied by a noise sensitive activity All zones <u>except Residential and Rural Lifestyle Zones</u>	Oppose	KiwiRail supports Rule NOISE-R5 (New building occupied by noise sensitive activity) as notified, and seeks that this be retained. It is critical that noise sensitive activities achieve compliance with the noise insulation requirements prescribed under the Proposed District Plan. The Residential and Rural Lifestyle Zones contain, or at least enable, a greater number of residential activities than many other zones. There is no clear policy reason to distinguish Residential and Rural Lifestyle zones as exempt from noise insulation requirements.	Disallow the submission.
Kainga Ora – Homes and Communities, 563.392	NOISE / Rules / NOISE-R6	Amend Rule NOISE-R6 as follows: Alterations and/or additions to a building for a noise sensitive activity All zones <u>except Residential and Rural Lifestyle Zones</u>	Oppose	KiwiRail supports Rule NOISE-R6 (Alterations to building for noise sensitive activity) as notified, and seeks that this be retained. It is critical that noise sensitive activities achieve compliance with the noise insulation requirements prescribed under the Proposed District Plan. The Residential and Rural Lifestyle Zones contain, or at least enable, a greater number of residential activities than many other zones. There is no clear policy reason to distinguish Residential and Rural Lifestyle zones as exempt from the noise insulation requirements.	Disallow the submission.
Kainga Ora – Homes and Communities, 563.389	TEMP / Rules / TEMP-R1	Amend rule TEMP-R1 as follows: Operation of a temporary activity (1) Commercial and Mixed Use Zones, General Industrial Zone, Open Space and Recreation Zones, Special Purpose Zones, Rural Zones Activity status: PER Where: 1. any temporary buildings and/or structures associated with the event comply with the minimum building setbacks for the underlying zone; ... Activity status where compliance not achieved: CON Where: Activity standards (1) and/or (2) are <u>is</u> not complied with. ... Matters over which control is reserved/discretion is restricted: 1. The effects of the bulk, location and scale of any temporary buildings and/or structures on the amenity values of the surrounding area. ... (2) Residential zones Activity status: PER Where: 1. any temporary buildings and/or structures associated with the event <u>comply with the minimum building setbacks for the underlying zone;</u> ... Activity status where compliance not achieved CON Where:	Oppose	Safety is a key concern for KiwiRail. Ensuring the rail corridor is kept clear and that appropriate setbacks for buildings and structures are provided is increasingly important as development intensifies. Setbacks are a critical land use control to manage the interface between operations within the railway corridor and activities that may occur near the boundary of adjoining land, and to ensure the health and safety of people and communities. If development near the railway corridor is not appropriately managed, there is a risk of conflict between the operation of the rail network and use of the built environment. KiwiRail considers it important that all activities adjacent to the rail corridor, including temporary activities, comply with the minimum building setbacks for the underlying zone.	Disallow the submission.

Submitter and Submission ID	Relevant Provision	Original Submission Point	Support / Oppose	Reasons for Support or Opposition	Decision sought
		<p>1. Activity standards (1) and/or (2) are is not complied with. ... Matters over which control is reserved/discretion is restricted: 1. The effects of the bulk, location and scale of any temporary buildings and/or structures on the amenity values of the surrounding area. ...</p>			
Kainga Ora – Homes and Communities, 563.243	TRAN / Policies / TRAN-P8	Delete Policy TRAN-P8 in its entirety.	Oppose	KiwiRail opposes the relief sought. Policy TRAN-P8 seeks to control the reverse sensitivity effects of activities locating near transport and railway corridors. KiwiRail supports this policy because it ensures the safe, efficient and effective operation of the transport network by managing activities sensitive to noise. Managing these effects through acoustic insulation is an effective way to address the effects of rail noise, in terms of both health and amenity effects on sensitive activities but also potential reverse sensitivity effects on the rail network, as noise extending from the rail corridor cannot be entirely internalised.	Disallow the submission.
Kainga Ora – Homes and Communities, 563.271	TRAN / Rules / TRAN-R8	<p>Amend Rule TRAN-Table as follows: TRAN-Table 1 – High Trip Generator Thresholds ... 2. Residential activities or subdivision activities Enabling in excess of 20 dwellings or creating 20 allotments. No threshold. ...</p>	Oppose	KiwiRail opposes the relief sought. Residential activities, particularly larger scale and / or intensive residential development, can give rise to significant adverse effects on the safety and efficiency of the surrounding transport network if they are not appropriately designed and located. It is appropriate and necessary for such effects to be considered as part of the resource consent process. There is no policy reason for residential activities to be exempted from the requirements of Rule TRAN-R8.	Disallow the submission.
Kainga Ora – Homes and Communities, 563.161	UFD / Strategic Objectives / UFD-13	<p>Amend the strategic objectives for Urban Form and Development to emphasise the importance of giving priority to the compact urban model and residential intensification in existing urban areas; and, Amend strategic objective UFD-13 as follows: The district develops in a cohesive, compact and structured way that: 1. maintains a <u>delivers an efficient and compact urban form that provides for connected, liveable communities with growth concentrated in and around existing centres and urban settlements and along key strategic transport corridors;</u> 2. <u>supports integrated planning of land use, infrastructure and development;</u> 3. <u>recognises that as the character of the planned urban areas evolve to deliver a compact urban form, amenity values may change;</u> 4. <u>achieves a higher-quality urban environment;</u> 2- 5. <u>manages impacts adverse effects on the natural and cultural environment;</u> 3- 6. <u>recognises the relationship of tangata whenua with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes and other taonga of significance;</u> 4- 7. <u>enables greater productivity and economic growth, including expansion of business zones to support residential intensification;</u> ... 12. <u>locates urban growth areas only where they are consistent with the Council's growth strategy and within existing urban limits, and that the release of new urban zoned land should be staged so as to not diminish opportunities for intensification within existing urban areas; and</u> 13. <u>where possible, urban subdivision, use and development in the rural environment is avoided.</u></p>	Support in part	<p>KiwiRail supports urban development and intensification, including the concept of a compact urban form that provides for integrated planning of land use and transport infrastructure. However, KiwiRail considers that urban growth or intensification along strategic transport corridors should be appropriately managed to avoid, remedy or mitigate potential adverse safety and reverse sensitivity effects on the operation of transport infrastructure, such as the rail network.</p> <p>It is critical that the Proposed District Plan's strategic objective framework, in providing for compact and concentrated urban growth, recognises and provides for the need to protect existing transport infrastructure from adverse effects associated with land use and development.</p>	Allow the submission in part.
Kainga Ora – Homes and	UFD / Strategic Objectives / UFD-15	Amend strategic objective UFD-15 as follows: A variety of housing types, sizes and tenures are available across the	Support in part.	KiwiRail supports urban development and intensification, including the concept of a compact urban form that provides for integrated planning of land use and transport infrastructure. However, KiwiRail considers that urban	Allow the submission in part.

Submitter and Submission ID	Relevant Provision	Original Submission Point	Support / Oppose	Reasons for Support or Opposition	Decision sought
Communities, 563.157		<p>district in quality living environments to meet the community's diverse <u>and changing</u> social and economic housing needs in the following locations:</p> <p>1. <u>Suburban and medium density</u> housing forms in <u>established existing residential neighbourhoods, to take advantage of public transport connectivity, proximity to significant open space amenities, community facilities, schools and Centres;</u></p> <p>2. a mix of housing densities in and around the city centre, town centres, <u>larger local centres and along public transport routes and key strategic transport corridors, including multi-unit housing and higher density housing and retirement villages;</u></p> <p>3. opportunities for increased medium and high-density housing in the city centre, town centres, and local centres <u>and the Mixed Use zone</u> that will assist to contribute to a vibrant, mixed-use environment;</p> <p>4. a range of densities and housing forms in new subdivisions and areas identified as appropriate for growth, <u>including existing residential areas;</u> and</p> <p>...</p>		<p>growth or intensification along strategic transport corridors should be appropriately managed to avoid, remedy or mitigate potential adverse safety and reverse sensitivity effects on the operation of transport infrastructure, such as the rail network.</p> <p>It is critical that the Proposed District Plan's strategic objective framework, in providing for compact and concentrated urban growth, recognises and provides for the need to protect existing transport infrastructure from adverse effects associated with land use and development.</p>	
Kainga Ora – Homes and Communities,	Zoning / Planning Maps	Kianga Ora's seeks to up zone a significant area of residential land in the District (see Appendix 3 of Kainga Ora's submission).	Oppose in part	<p>KiwiRail supports urban development and intensification. However, that development and intensification should be appropriately managed to avoid, remedy or mitigate potential adverse effects on the ongoing safe and efficient operation of all infrastructure, including transport infrastructure such as the rail network. This is necessary to ensure that inappropriate development does not occur, including (for example) the location of incompatible (ie sensitive) activities in proximity to transport infrastructure, which may give rise to adverse effects on that infrastructure.</p> <p>KiwiRail therefore opposes this submission to the extent that the proposed upzoning of land is in areas that are adjacent to the rail corridor.</p>	Disallow the submission in part.
Federated Farmers Taranaki, 564.244	NOISE / Policies / NOISE-P4	Amend Policy NOISE-P4 as follows: Ensure noise sensitive activities proposing to locate within the City Centre, Town Centre, Local Centre, Mixed Use, Māori Purpose, Rural Production, Rural Lifestyle, Future Urban, and General Industrial Zones or in close proximity to the Major Facility Zone, Airport Zone, Port Zone, are located, designed, constructed, and operated in a way which will ensure adverse noise and health and safety effects are minimised, having regard to...	Support	KiwiRail supports the relief sought. It is appropriate for the rural zones to be added to the list of zones to which Policy NOISE-P4 applies. All noise sensitive activities should be required to be located, designed and constructed to minimise adverse noise and health and safety effects, including those that seek to locate in the rural zones.	Allow the submission.
Waka Kotahi New Zealand Transport Agency, 566.54	ECO / Objectives / New objective	Add a new objective, as follows: " <u>Recognise some activities can locate within significant natural areas where effects are suitably remedied, mitigated, offset or, in specific circumstances, managed by environmental compensation.</u> "	Support	KiwiRail supports the relief sought. KiwiRail has a functional and operational need for parts of its rail network to be located in or near significant natural areas, as the rail network is linear infrastructure that cannot be easily relocated. It is both necessary and appropriate for existing modifications to significant natural areas associated with established infrastructure, as well as the operational and functional need for existing infrastructure to be located within these areas, to be recognised in rule framework for SNAs in the Proposed District Plan. This is critical so that KiwiRail continues to be able to carry out necessary maintenance, repair and upgrade works to ensure the ongoing safe and efficient operation of the railway network.	Allow the submission.
Waka Kotahi New Zealand	EW / Rules / EW-R7	Amend Earthworks Rule EW-R7 as follows: Earthworks for the <u>maintenance, repair, upgrade or construction</u>	Support	KiwiRail supports the relief sought. It is critical that transport network operators are able to undertake the necessary earthworks to ensure the ongoing safe and efficient operation of their networks, for the economic and	Allow the submission.

Submitter and Submission ID	Relevant Provision	Original Submission Point	Support / Oppose	Reasons for Support or Opposition	Decision sought
Transport Agency, 566.74		maintenance and repair of the transport network <u>including earthworks for ancillary activities</u> ... 1. the total earthworks area open at any one time, does not exceed 2500m ² ; 2. the earthworks area is progressively stabilised, filled and/or recontoured as soon as practicable; 3. all Earthworks Effects Standards are complied with.		social wellbeing of the community. The amendments proposed to Rule EW-R7 are an appropriate way to ensure that KiwiRail is able to undertake the type and extent of works required to maintain, repair and upgrade its rail network.	
Waka Kotahi New Zealand Transport Agency, 566.126	NZTA / Designations	Amend NZTA and KiwiRail designations which abut, intersect or overlap so they can be differentiated, e.g. by using different colours or shading.	Support	KiwiRail supports the relief sought, as it will provide clarity and certainty for both KiwiRail and Waka Kotahi, as well as other plan users.	Allow the submission.
J Swaps Contractors, 204.6	RPROZ / Policies / New policy	Add a new policy to the RPROZ chapter as follows: <u>To ensure that subdivision and development in, or adjacent to:</u> • <u>existing commercial, industrial and mineral extraction activities</u> • <u>land zoned for commercial, industrial, or mineral extraction activities</u> • <u>existing infrastructure, including the state highway network and airport.</u> <u>is designed and located to avoid, remedy or mitigate reverse sensitivity effects on existing or permitted activities. Such effects can include noise, odour, spray drift and dust, vibration and traffic.</u>	Support	KiwiRail supports the broad intent to ensure that subdivision, use and development manage potential reverse sensitivity effects. It is important that the effects of subdivision on the safety and efficiency of existing infrastructure such as land transport networks are considered at the time of subdivision. 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 in the policy framework relating to subdivision and land use development.	Allow the submission.
J Swaps Contractors, 204.3	SUB / Policies / New policy	Add new Policy as follows: <u>Development and subdivision design should not result in reverse sensitivity effects on adjacent sites and the adjacent established activities.</u>	Support	KiwiRail supports the broad intent to ensure that subdivision, use and development avoids reverse sensitivity effects. 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. 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 in the policy framework relating to subdivision and land use development.	Allow the submission.
The Royal Forest and Bird Protection Society of NZ Incorp, 487.91	CE / Rules / CE-R3	Amend Rule CE-R3 to ensure any associated indigenous vegetation disturbance is within 2m of the utility, track, drain, or structure being maintained.	Oppose	KiwiRail supports the notified version of Rule CE-R3. While KiwiRail is supportive of the protection afforded to indigenous vegetation in the Proposed District Plan, a width of 2m is not sufficient to enable essential maintenance and repair works to be undertaken on the railway network. The requirement for such activities to be permitted under all other relevant rules (in overlays and zones) will ensure that any potential adverse effects will be avoided, remedied or mitigated.	Disallow the submission.
The Royal Forest and Bird Protection Society of NZ Incorp, 487.88	CE / Rules / CE-R4	Amend Rule CE-R4 to ensure any associated indigenous vegetation disturbance is within 2m of the utility, track, drain, or structure being maintained.	Oppose	KiwiRail supports the notified version of Rule CE-R4. While KiwiRail is supportive of the protection afforded to indigenous vegetation in the Proposed District Plan, a width of 2m is not sufficient to enable essential maintenance and repair works to be undertaken on the railway network. The requirement for such activities to be permitted under all other relevant rules (in overlays and zones) will ensure that any potential adverse effects will be avoided, remedied or mitigated.	Disallow the submission.
The Royal Forest and Bird Protection Society of NZ Incorp, 487.89	CE / Rules / CE-R5	Amend Rule CE-R5 as follows: (Permitted) "Where: 1. all underlying zone rules and effects standards are complied with.; and 2. <u>The activity is not within 10 meters of a Scheduled SNA.</u> "	Oppose	KiwiRail supports the management of effects on SNAs. However, in some instances KiwiRail has a functional and operational need for parts of its rail network to be located in or near SNAs, as the rail network is linear infrastructure that cannot be easily relocated. KiwiRail is therefore opposed to any amendments to CE-R5 that seek to reduce the ability for KiwiRail to locate its activities within 10 metres of a Scheduled SNA when there is a	Disallow the submission.

Submitter and Submission ID	Relevant Provision	Original Submission Point	Support / Oppose	Reasons for Support or Opposition	Decision sought
				functional need to do so and the effects of KiwiRail's activities on the SNA can be managed effectively.	
The Royal Forest and Bird Protection Society of NZ Incorp, 487.38	ECO / Policies / ECO-P2	Amend Policy ECO-P2 to include: <u>"restricting the disturbance of ecosystems, habitats and areas that provide buffering of habitats of indigenous vegetation and fauna."</u> Add rules to restrict indigenous vegetation disturbance outside of Scheduled SNAs, such that the rule triggers a consent requirement over specified thresholds.	Oppose	KiwiRail supports the management of effects of SNAs. However, there needs to be recognition in the Proposed District Plan that some activities, including infrastructure, have a functional and operational need to be located near SNAs. This is particularly the case for existing linear infrastructure like the rail network, which is long-established and cannot be easily relocated. The proposed amendments are also ambiguous as to where the new rules would apply, as no definition is provided for "areas that provide buffering of habitats of indigenous vegetation and fauna."	Disallow the submission.
Radio New Zealand Limited, 545.11	GRZ / Rules / GRZ-R1	Amend rule GRZ-R1 as follows: ... Matters of discretion if compliance not achieved: 1. ... <u>3. Management of potential reverse sensitivity effects on existing land uses, including network utilities or significant hazardous facilities.</u>	Support	KiwiRail supports the relief sought. In order to deliver on operational outcomes, network utilities need to be protected from potential reverse sensitivity effects associated with the establishment of incompatible activities in close proximity.	Allow the submission.
Radio New Zealand Limited, 545.9	GRZ / Rules / GRZ-R4	Amend rule GRZ-R4 as follows: ... Matters of discretion if compliance not achieved: 1. ... <u>3. Management of potential reverse sensitivity effects on existing land uses, including network utilities or significant hazardous facilities.</u>	Support	KiwiRail supports the relief sought. In order to deliver on operational outcomes, network utilities need to be protected from potential reverse sensitivity effects associated with the establishment of incompatible activities in close proximity.	Allow the submission.
Radio New Zealand Limited, 545.8	GRZ / Rules / GRZ-R6	Amend rule GRZ-R6 as follows: ... Matters of discretion if compliance not achieved: 1. ... <u>5. Management of potential reverse sensitivity effects on existing land uses, including network utilities or significant hazardous facilities.</u>	Support	KiwiRail supports the relief sought. In order to deliver on operational outcomes, network utilities need to be protected from potential reverse sensitivity effects associated with the establishment of incompatible activities in close proximity.	Allow the submission.
Radio New Zealand Limited, 545.4	GRZ / Rules / GRZ-S1	Amend standard GRZ-S1 as follows: ... Matters of discretion if compliance not achieved: 1. ... <u>8. Management of potential reverse sensitivity effects on existing land uses, including network utilities or significant hazardous facilities.</u>	Support	KiwiRail supports the relief sought. In order to deliver on operational outcomes, network utilities need to be protected from potential reverse sensitivity effects associated with the establishment of incompatible activities in close proximity.	Allow the submission.
Radio New Zealand Limited, 545.27	NU / Objectives / New objective	Insert a new objective to the NU Chapter as follows: <u>Network utilities are not compromised by incompatible activities which may result in reverse sensitivity effects and/or conflict.</u>	Support	KiwiRail supports the relief sought. In order to deliver on operational outcomes, network utilities need to be protected from the establishment of incompatible activities in close proximity. It is important for this to be recognised in the objectives of the Proposed District Plan given the current trends toward urban intensification, including near transport corridors. As linear infrastructure, the rail network has locational and functional constraints which ought to be taken into account in this context.	Allow the submission.
Radio New Zealand Limited, 545.19	SUB / Objectives / SUB-O2	Amend Policy SUB-O2 as follows: Allow residential infill and residential subdivision that: ... <u>3. avoids reverse sensitivity effects on network utilities from new sensitive activities</u>	Support	KiwiRail supports the relief sought. KiwiRail supports the proposed amendment which seeks to ensure that new subdivision and sensitive activities are well integrated with the land transport networks such that reverse sensitivity effects are avoided.	Allow the submission.
Radio New Zealand Limited, 545.18	SUB / Policies / SUB-P1	Amend Policy SUB-P1 as follows: Allow subdivision that results in the efficient use of land, provides for the needs of the community and supports the policies of the District Plan for the applicable zones, where subdivision design: ... 6. in the General Industrial, Large Format Retail, Residential and Rural zones, incorporates sufficient space for on-site stormwater	Support	KiwiRail supports the relief sought. KiwiRail supports the proposed amendment which seeks to ensure that new subdivision and sensitive activities are well integrated with the land transport networks such that reverse sensitivity effects are avoided.	Allow the submission.

Submitter and Submission ID	Relevant Provision	Original Submission Point	Support / Oppose	Reasons for Support or Opposition	Decision sought
		disposal including the use of water sensitive and low-impact design solutions; <u>7. avoids reverse sensitivity effects on network utilities from new sensitive activities</u>			
Radio New Zealand Limited, 545.17	SUB / Policies / SUB-P6	Amend Policy SUB-P6 as follows: Allow residential infill and residential subdivision that: ... <u>3. avoids reverse sensitivity effects on network utilities from new sensitive activities</u>	Support	KiwiRail supports the relief sought. KiwiRail supports the proposed amendment which seeks to ensure that new subdivision and sensitive activities are well integrated with the land transport networks such that reverse sensitivity effects are avoided.	Allow the submission.
Radio New Zealand Limited, 545.3	SUB / Policies / SUB-P7	Amend the Policy SUB-P7 as follows: Allow subdivision in the Residential Zones that does not comply with the minimum lot design and parameters when: 1.... <u>4. the subdivision avoids reverse sensitivity effects on network utilities from new sensitive activities</u>	Support	KiwiRail supports the relief sought. KiwiRail supports the proposed amendment which seeks to ensure that new subdivision and sensitive activities are well integrated with the land transport networks such that reverse sensitivity effects are avoided.	Allow the submission.
Radio New Zealand Limited, 545.15	SUB / Policies / SUB-P8	Amend Policy SUB-P8 as follows: Require greenfield subdivision design and layout to respond positively to and be integrated with the surrounding context, including by: ... <u>13. avoids reverse sensitivity effects on network utilities from new sensitive activities</u>	Support	KiwiRail supports the relief sought. KiwiRail supports the proposed amendment which seeks to ensure that new subdivision and sensitive activities are well integrated with the land transport networks such that reverse sensitivity effects are avoided.	Allow the submission.
Radio New Zealand Limited, 545.12	SUB / Rules / SUB-R6	Amend rules GRZ-R1, GRZ-R2, GRZ-R4, GRZ-R6, GRZ-R7, GRZ-R10, GRZ-R11 and standard GRZ-S1. matters over which discretion is restricted to include: <u>Management of potential reverse sensitivity effects on existing land uses, including network utilities or significant hazardous facilities.</u>	Support	KiwiRail supports the relief sought. In order to deliver on operational outcomes, network utilities need to be protected from the potential adverse effects of incompatible activities establishing in close proximity.	Allow the submission.
Chorus New Zealand Limited, 547.78	NFL / Rules / NFL-R3	Amend NFL-R3 as follows: "Maintenance and repair of structures, network utilities, fence lines and tracks, including associated earthworks, within Hangatahuta (Stony) River or Waihi Stream to Pariokariwa Point, including <u>Parinihi any identified natural feature or landscape</u> ".	Support	KiwiRail supports the management of effects on natural features and landscapes. However, in some instances KiwiRail has a functional and operational need for parts of its rail network to be located in or near natural features and landscapes as the rail network is linear infrastructure that cannot be easily relocated. KiwiRail therefore supports a rule framework that provides for maintenance and repair of structures within natural features or landscapes as permitted activities.	Allow the submission.
Chorus New Zealand Limited, 547.76	NFL / Rules / NFL-R11	Amend Rule NFL-R11 as follows: "Erection of a structure not otherwise provided for in this chapter within Hangatahuta (Stony) River or Waihi Stream to Pariokariwa Point, including <u>Parinihi any identified natural feature or landscape.</u> " Activity Status where compliance not achieved DIS: Where: <u>"5. for a network utility, the height of any pole or mast structure, including any antennas attached to the structure, does not exceed 15m."</u>	Support	KiwiRail supports the management of effects on natural features and landscapes. However, in some instances KiwiRail has a functional and operational need for parts of its rail network to be located in or near natural features and landscapes as the rail network is linear infrastructure that cannot be easily relocated. KiwiRail therefore supports a rule framework that provides for the maintenance and repair of structures within natural features or landscapes as permitted activities.	Allow the submission.
Chorus New Zealand Limited, 547.39 Vodafone New Zealand Limited, 552.50 Spark New Zealand Limited, 567.39 Two Degrees Networks Limited, 569.39	NU / Policies / New policy	Add a new policy to the NU Chapter (IE-P5 from the dNPS-NU) as follows: <u>IE-P5 Adverse effects of network utilities on areas of outstanding or significant value in the coastal environment</u> <u>1. Avoid adverse effects of substantial upgrades to, or the development of new network utilities on:</u> <u>a. the values and attributes of areas that are identified in the plan as having outstanding natural character, outstanding natural features or outstanding natural landscapes;</u> <u>b. taxa, ecosystems or vegetation types identified as threatened, rare or protected in the plan in accordance with Policy 11(a) of the NZCPS;</u> <u>2. avoid significant adverse effects of substantial upgrades to, or the development of new network utilities on the values and attributes of areas that are identified in the plan as having natural character, natural features, natural landscapes, or being significant</u>	Support	Given the functional need for network assets, KiwiRail agrees that a new policy should be added to address instances where network utilities are to be located in areas of outstanding or significant value, including in the inland extent of the mapped coastal environment.	Allow the submission.

Submitter and Submission ID	Relevant Provision	Original Submission Point	Support / Oppose	Reasons for Support or Opposition	Decision sought
		<p>indigenous vegetation or significant habitats of indigenous fauna and remedy or mitigate other adverse effects.</p> <p><u>In all areas</u></p> <p>3. Give priority to avoiding the adverse effects of substantial upgrades to, or the development of new network utilities, on the values and attributes of areas that are identified in the plan as:</p> <p>a. <u>wetlands and lakes and rivers and their margins that have natural character;</u></p> <p>b. <u>outstanding natural features and landscapes outside of the coastal environment;</u></p> <p>c. <u>areas of significant indigenous vegetation and significant habitats of indigenous fauna outside of the coastal environment;</u></p> <p>d. <u>ancestral lands, water, sites, wāhi tapu and other taonga of mana whenua;</u></p> <p>e. <u>historic heritage.</u></p> <p>4. <u>Where the avoidance of adverse effects under clause (3) is not possible, the appropriateness of the substantial upgrades to, or the development of, new network utilities will be determined by having regard to the matters listed in Policy IE- P7.</u></p>			
Taranaki Regional Council, 549.1	TRAN / Policies / New policy	Add a new policy to The Transport Chapter that provides or plans for appropriate access to and from Port Taranaki, and cross-reference this to the Port Zone Chapter.	Support	KiwiRail considers there is a need for a new policy that provides or plans for appropriate access to and from Port Taranaki. KiwiRail's rail line tracks from the north west of New Plymouth, through the north of the city and out to the Port. As the Port becomes an increasingly significant strategic asset for the region, the transport network to and from it needs to be provided for in the Proposed District Plan.	Allow the submission.
Department of Conservation, 550.87	NFL / Rules / NFL-R11	<p>Amend Rule NFL-R11 as follows:</p> <p>Move Clause 1(e) (structures for network utilities, agricultural, pastoral and horticultural activities and accessory buildings) from permitted activity to be a restricted discretionary activity, with the following "Matters over which discretion is restricted:</p> <p>1. <u>The functional and operational needs of, and benefits derived from, the network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken;</u></p> <p>2. <u>The effects of the structure on indigenous biodiversity, natural features and landscapes and riparian margin values; or</u></p> <p>3. <u>If the proposed structure will exacerbate natural hazard risks.</u></p> <p>Activity status where compliance not achieved: DIS"</p>	Oppose	KiwiRail does not support the classification of structures for network utilities as restricted discretionary activities. Network utilities are already appropriately managed by other provisions in the Proposed District Plan. KiwiRail considers that these activities should remain permitted, as notified in the Proposed District Plan.	Disallow the submission.
Transpower New Zealand Limited, 565.131	SUB / Rules / SUB-R3	<p>Amend Rule SUB-R3 as follows</p> <p>...</p> <p>5. <u>Any effects on network utilities;</u></p> <p>6. <u>The ability and sufficient capacity to provide appropriate infrastructure; and</u></p> <p>7. <u>Potential reverse sensitivity effects on existing network utilities.</u></p>	Support	KiwiRail supports the relief sought. KiwiRail supports the addition of matters of discretion relating to reverse sensitivity effects on existing network utilities to the matters of control set out in Rule SUB-R3. 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.	Allow the submission.
Transpower New Zealand Limited, 565.40	UFD / Strategic Objectives / New strategic objective	Add a new strategic objective as follows: <u>UFD-X Avoid reverse sensitivity effects, particularly protecting the National Grid and network utilities</u>	Support	KiwiRail supports the relief sought. In order to deliver on operational outcomes, network utilities need to be protected from the establishment of incompatible activities in close proximity. It is important to recognise this objective explicitly, especially given current trends toward intensification. As linear infrastructure, the rail network has locational and functional constraints which ought to be taken into account in this context	Allow the submission.
Marsden Machinery Limited, 577.17, Ian Humphrey, 578.15, Bro	TRAN / Policies / TRAN-P2	Delete Policy TRAN-P2 in its entirety.	Oppose	KiwiRail opposes the relief sought. KiwiRail considers Policy TRAN-P2 is important because it allows for the operation, maintenance and repair or construction of the transport network, and guides subsequent rules in the transport chapter which allow for effective and efficient continuance of transport network activities at minimal disruption to the public.	Disallow the submission.

Submitter and Submission ID	Relevant Provision	Original Submission Point	Support / Oppose	Reasons for Support or Opposition	Decision sought
Devon Limited, 579.7					
New Plymouth District Council, 582.12	TRAN / Rules / TRAN-R8	Amend Rule TRAN-R8 as follows: TRAN-R8: High trip generator activities Matters over which discretion is restricted: ... 12. The outcomes of any consultation with the New Zealand Transport Agency for applications on a state highway and/or KiwiRail for applications on the rail network.	Support	KiwiRail supports the relief sought. KiwiRail considers that it is appropriate for high trip generator activities that relate to, or may affect, the rail network, to be planned and developed in consultation with KiwiRail.	Allow the submission.