

23 December, 2022

Waitomo District Council
Proposed District Plan
Queen Street
Te Kuiti 3910

By email to: districtplan@waitomo.govt.nz

**FEEDBACK ON PLAN, CHANGE OR VARIATION (FORM 5)
Waitomo Proposed District Plan**

NAME OF SUBMITTER:

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KiwiRail Feedback on Proposed Waitomo District Plan

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 Holdings Limited is also the Requiring Authority for land designated “Railway Purposes” (or similar) in District Plans throughout New Zealand.

The designated corridor of the North Island Main Trunk line passes through the district from south to north and is a key part of the KiwiRail network. KiwiRail seeks to protect its ability to operate, maintain and upgrade this line and its assets into the future.

To achieve this, KiwiRail encourages land uses near the railway corridor that does not compromise the short or long-term ability to operate a safe and efficient rail network, both day



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and night. Where noise sensitive activities are proposed on land near the railway corridors, appropriate controls should be imposed to ensure their long-term safety and amenity. 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 District 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, proposed plan text is *italicised*, and any recommended deletions of text **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 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.

KiwiRail is available to meet with the Council to discuss any elements of the feedback provided and to provide any clarification that may assist in decisions on the changes requested.

Regards



Pam Butler
Senior RMA Adviser
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)
Part 1: Introduction and general provisions					
1.	Definitions	Functional Need	Support	KiwiRail supports the inclusion of this definition in the Proposed Plan.	Retain as proposed
2.	Definitions	Maintenance (in relation to network utilities)	Support	KiwiRail supports the inclusion of this definition which provides for work required to keep structures, building or infrastructure in good condition or operation.	Retain as proposed
3.	Definitions	Network Utility Operator	Support	KiwiRail supports the use of the RMA 1991 meaning of Network Utility Operator, which includes railway activities.	Retain as proposed
4.	Definitions	Noise Sensitive Activity	Seek amendment	KiwiRail seeks amendment to the definition of Noise Sensitive Activity to list all activities that require reduced noise levels to operate.	Amend as follows: <i>Noise sensitive activity;</i> <i>means residential units and minor residential units, boarding houses, co-housing developments, compact housing developments, retirement villages, visitor accommodation, papakāinga units and papakāinga housing developments, residential based visitor accommodation, managed care facilities and other buildings used for residential activities; and</i> a. educational activities; b. health care activities; c. indoor community activities including libraries and congregation spaces within any place of worship; d. Hospitals; e. Marae complex
5.	Definitions	Operational Need	Support	KiwiRail supports the inclusion of this definition in the Proposed Plan.	Retain as proposed
6.	Definitions	Road approach visibility line	Seek amendment	As far as KiwiRail is aware the only use of this definition relates to Rule TRAN R-14 addressing level crossing sightlines. The correct term of this definition and one use on the rule is 'approach sightline' and a correction is proposed.	Amend as follows; <u>Road approach visibility line</u> <u>Approach sightline</u> <i>means the minimum distance along the railway line(s) from the level crossing that either: a driver is able to see a train and stop before reaching the level crossing, or a driver continues at the approach speed and crosses the level crossing safely ahead of a previously unseen train or a train far enough away to be clearly not a collision threat.</i>
7.	Definitions	Road approach visibility line	Seek amendment	KiwiRail is unsure about the use of this definition in relation to the railway and where it is used in the Plan. Rule TRAN-R14 controls level crossing 'approach sight lines' and 'restart lines' The proposed definition has no function in the Plan and should be replaced with a definition for a restart view line relating to Rule TRAN-R14	Amend by altering definition title to ' <u>approach sightline</u> '
8.	Definitions	Restart View Line	Seek amendment	Rule TRAN-R14 controls level crossing 'approach sight lines' and 'restart sightlines' The proposed definition requires amendment to align with Rule TRAN R14.	Amend definition for Restart line as follows; <u>Restart view sightline</u> <i>means the minimum distance, along the railway line(s) from the driver's eye position in a vehicle at the stop line position of the closest railway line, required to allow the driver to start from a stopped position and clear the railway line before a train arrives.</i>
9.	Definitions	Regionally Significant Infrastructure	Seek amendment	KiwiRail supports the adoption of a definition for regionally significant infrastructure that references the RPS but notes that regionally significant transport infrastructure is now on <u>5.2.8 Significant transport infrastructure maps of the RPS</u>	Amend to update current refence to RPS maps showing regionally significant infrastructure.

10.	Definitions	Maintenance (in relation to network utilities)	Support	KiwiRail supports the inclusion of this definition in the Proposed Plan.	Retain as proposed
11.	Definitions	Reverse Sensitivity	Support	<p>KiwiRail proposes a definition of reverse sensitivity, as it is referred to in the Plan in several locations. Reverse sensitivity is a well-established planning principle and is an adverse effect for the purposes of the RMA. It refers to the susceptibility of lawfully established effects-generating activities (which often cannot internalise all of their effects) to complaints or objections to their lawful activities arising from the location of new sensitive activities, typically residential dwellings, nearby.</p> <p>Reverse sensitivity is referred to in the Waikato Regional Policy Statement– which is referred to as setting the overarching policy framework in the District Plan.</p>	<p>Amend by adding a new definition of reverse sensitivity (modelled on the Waikato RPS) as follows:</p> <p><u>Is the vulnerability of a lawfully established activity to a new activity or land use. It arises when a lawfully established activity causes potential, actual or perceived adverse environmental effects on the new activity, to a point where the new activity may seek to restrict the development, upgrading, operation and maintenance, or require mitigation of the effects of, the existing activity.</u></p>
12.	Definitions	Transport Corridor	Seek amendment	<p>This submission is to amend the transport corridor definition so that it includes the railway network. The railway network is both transport and a network utility. The definition of regionally significant infrastructure includes references to (g) significant 'transport corridors' as shown in the RPS. Railway infrastructure includes, land, building, equipment or devices that support the movement of people and goods by land including railway tracks, bridges, tunnels, signalling, access tracks and facilities similar to roads.</p> <p>In places the railway corridor hosts cycleways/shared paths which can be enabled via the transport chapter provisions.</p> <p>There is a change required to Rule TRAN R10 to make sense, otherwise the protections and enabling of activities will similarly apply to the railway corridor in the transport chapter as a rule to changing the definition as proposed.</p>	<p>Amend as follows</p> <p><i>means the whole corridor (including railway corridors) that provides for carriageway, berms and any adjoining pedestrian footpaths, walkways and cycleways, landscaping and lighting, and includes road, and access segregation strips.</i></p>
Part 2 – District-wide matters					
13.	Strategic Direction Urban Form and Development	SD-O8 District wide matters	Seek amendment	<p>KiwiRail seeks an additional Strategic Objective to provide for the protection of lawfully established existing land use activities, including regionally significant infrastructure from reverse sensitivity effects. The rail network can be vulnerable to adverse effects when incompatible subdivision, land use and development is located adjacent to an established rail line. The nature of railway operations means KiwiRail cannot fully internalise all its effects within the railway corridor boundaries.</p> <p>Increasing development around railway corridors consequentially means the introduction of more sensitive receivers to adverse effects of existing and lawful railway activities. Policy seeking to manage this effect in various sections of the plan (Network Utility, Transport) needs to be clearly supported by a specific objective in Part 2 District - Wide Matters and further supports the proposed Plan rules.</p>	<p>Amend by adding new Objective as follows;</p> <p><u>SD-0'X'</u> <u>Manage land use activities to avoid, remedy or mitigate adverse effects, including reverse sensitivity effects, of subdivision, land use and development, on regionally significant infrastructure including transport corridors.</u></p>
14.	Strategic Direction Urban Form and Development	SD-021 Settlement Patterns	Support	KiwiRail supports the objective as it seeks to minimise and avoid conflict between incompatible activities by controlling the location of activities. Urban development adjacent to the rail corridor has the potential to result in reverse sensitivity effects on the NIMT. KiwiRail supports strategic direction to minimise and avoid these effects.	Retain as proposed
15.	Strategic Direction Urban Form and Development	SD-O30	Support	The objective to recognise and provide for regionally significant infrastructure is supported.	Retain as proposed
16.	Network Utilities	NU-P1 supporting Network Utilities	Support	Recognition of the benefits and functions of network utilities is supported by KiwiRail.	Retain as proposed
17.	Network Utilities	NU-P5	Support	KiwiRail supports the policy to facilitate the deployment of safety and directional signs on the railway corridor. It is noted that Official signs are generally permitted throughout the Plan under NU – R31.	Retain as proposed
18.	Network Utilities	NU–P12	Support	KiwiRail supports recognition that there is often a functional or operational need for infrastructure to, in some instances, be located in sensitive environments.	Retain as proposed

19.	Network Utilities	NU - P19	Support	KiwiRail support the policy to protect the operation of infrastructure from incompatible subdivision, use and development that may create reverse sensitivity effects.	Retain as proposed
20.	Network Utilities	NU - R3 Operation Maintenance and removal of infrastructure	Seek amendment	KiwiRail supports the rule which provides for the operation, maintenance and removal of network utilities as permitted activities. The rail network is linear, and it is not always possible to avoid sensitive areas. KiwiRail seeks broadening of this rule to also apply to the repair and enhancement of network utilities as a permitted activity. This amendment more effectively links with the wording in NU-P1	Amend NU-R3 as follows: <i>Operation, maintenance, repair, and removal of existing network utilities and existing ancillary access tracks</i>
21.	Network Utilities	NU-R4	Seek amendment	KiwiRail staff are required to gain access via tracks through all terrains and it is critical these are maintained to ensure that the network is resilient, and staff can gain access to vulnerable parts of the network. KiwiRail's network requires ongoing maintenance and repairs to ensure its safe and efficient operations. Accessing often remote parts of the network via access tracks are essential for repair and maintenance activities. The RDIS criteria are extensive and will ensure good outcomes for proposed works to tracks in sensitive locations. An Archaeological Authority is required should any works create disturbance.	Amend table as follows: <i>Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites</i> DIS <u>RDIS</u>
22.	Network Utilities	NU-R12	Support	KiwiRail supports the permitted activity status of temporary network utilities subject to standards.	Retain as proposed
23.	Network Utilities	NU-R13 New structures on or adjacent to a railway corridor or an indicative road	Seek amendment	<p>This rule is supported insofar as it appears to manage activities adjacent to the railway corridor and provide that these be setback 5m from the corridor. This is consistent with KiwiRail's strategy to manage the land use/corridor interface to ensure that adjacent buildings are capable of being maintained without access onto the railway corridor and ensuring the future residents/occupants and maintainers remain safe.</p> <p>KiwiRail is does not support the intent of the rule to control the location of structures <u>on</u> the railway corridor and require these to be setback five metres from the corridor boundary. Other than at stations and yards (which are usually on wider sites) most KiwiRail structures are either at stations or are line side equipment buildings connected with signals or traction. The railway corridor is generally only 20 metres wide. Reducing the amount of corridor in which structures could be located to a central width of 10 metres would create significant operational issues, especially where there is or planned double tracking.</p> <p>A similarly worded Rule to NU-R13 is located in the Transport section as TRAN-R9 and an amendment is also sought here. However, it is also less likely that most developers will look in this Chapter for provisions which may impact on a site's capability for development. Consequently, a separate submission has been lodged to provide for the 5m setback rule to be included within each development zone.</p>	Amend NU-R13 as follows: <i>RDIS</i> <i>New structures on or adjacent to a railway corridor or an indicative road</i>
24.	Network Utilities	NU-R17 Upgrading of above ground network utilities	Support	KiwiRail supports the permitted activity status of upgrading of network utilities such as the rail network, subject to standards.	Retain as proposed
25.	Transport	TRAN-O2 Safe, efficient, integrated and sustainable land transport infrastructure	Support	KiwiRail supports the objective for safe, efficient, integrated and sustainable land transport infrastructure.	Retain as proposed
26.	Transport	TRAN-O5 Well located network	Support	KiwiRail supports the objective which seeks to create appropriate vehicle access points to ensure the safe and efficient functioning of the transport system. This is important at level crossings.	Retain as proposed
27.	Transport	TRAN-O4 Adverse effects on land transport infrastructure	Support	KiwiRail supports this policy which seeks to protect land transport infrastructure from incompatible activities.	Retain as proposed
28.	Transport	TRAN-P2 (7) Effects on land transport infrastructure	Support	KiwiRail supports policy direction that requires activities to be manages in a way that supports the safe and efficient operation of the transport system. KiwiRail supports policy that seeks to protect the rail corridor from incompatible activities.	Retain as proposed
29.	Transport	TRAN-P3.	Support	KiwiRail supports the policy particularly in relation to the location of new vehicle access points and visual obstructions within level crossing sight lines. KiwiRail	Retain as proposed

				welcomes the support about the installation of rail level crossings but notes that crossings of the railway corridor are subject to a specific application process to KiwiRail. This process governs any new/proposed railway crossing design and ensures that no new crossings can be established without appropriate safety measures.	
30.	Transport	TRAN-P7	Support	KiwiRail is very supportive of the policy which is designed to manage the interface between land use and existing and future transport corridors.	Retain as proposed
31.	Transport	TRAN-P10	Support	The policy supports measures in the plan designed to ensure that transport activities at level crossings are managed to reduce potential conflict.	Retain as proposed
32.	Transport	TRAN-R9. Erection of structures on or adjacent to a railway corridor or an indicative road	Seek amendment	<p>This rule is supported insofar as it appears to manage activities adjacent to the railway corridor and provide that these be setback 5m from the corridor. This is consistent with KiwiRail's strategy to manage the land use/corridor interface to ensure that adjacent buildings are capable of being maintained without access onto the railway corridor and ensuring the future residents/occupants and maintainers remain safe.</p> <p>KiwiRail does not support the intent of the rule to control the location of structures on the railway corridor and require these to be setback five metres from the corridor boundary. Other than at stations and yards (which are usually on wider sites) most KiwiRail structures are either at stations or line side equipment buildings connected with signals or traction. The railway corridor is generally only 20 metres wide. Reducing the amount of corridor in which structures could be located to a central width of 10 metres would create significant operational issues, especially where there is or planned double tracking.</p> <p>A similarly worded Rule is located in the Network Utilities section NU-R13 and an amendment is also sought here. However, it is also less likely that most developers will look in this Chapter for provisions which may impact on a site's capability for development. Consequently, a separate submission has been lodged to provide for the 5m setback rule to be included within each development zone.</p>	<p>Amend as follows:</p> <p><i>Activity Status: RDIS</i> <i>TRAN-R9. Erection of structures on or adjacent to a railway corridor or an indicative road</i></p>
33.	Transport	TRAN-R10	Seek amendment	A change is proposed to this rule to make it clear that there can be different forms of transport corridor – both railway and road.	<p>Amend as follows:</p> <p><i>TRAN-R10. Vehicle access obtained by crossing a railway line</i> <i>All zones, all precincts</i> <i>Activity Status: RDIS</i> <i>Where:</i> <i>1. The new vehicle access point from a site to a <u>road</u> transport corridor is obtained by crossing a railway line; or</i> <i>2. There is an existing vehicle access point and the on-site activity changes in nature or intensity but remains compliant with the Integrated Transport Assessment (ITA) thresholds in TRAN – Table 3;</i></p>
34.	Transport	TRAN-R14 Railway level crossings	Seek amendment	<p>Public safety at level crossings is crucial, and protection of sight lines and vehicle crossing setbacks are a key means of ensuring this. KiwiRail supports the inclusion of a standard for the location of accessways and sight triangles for railway level crossings. KiwiRail agrees that accessways are required to be located where there is no conflict with the safety and efficiency of the adjoining road and wider transport network. A 30m setback for vehicle crossings can help to address stacking issues and conflict between vehicles waiting to enter/exit a property and those waiting to cross a level crossing in the event a train passes. Driver frustration can result in unsafe driving practices at crossings and the standard reduces this risk.</p> <p>Where a level crossing is controlled by a 'Stop' sign, the restrictions in TRAN-R14 (2) need not apply to the 'approach' sightline, The reason is that vehicles must come to a complete stop and check before proceeding. In the 'Give Way' scenario, vehicles are more likely to be continuously moving but slowing down, rather than coming to a complete halt and require wider views of the railway.</p>	<p>Amend as follows:</p> <p>TRAN-R14 Rail level crossings <u>Rail vehicle crossing setbacks and sightlines</u></p> <ol style="list-style-type: none"> <i>1. New vehicle access points must be located a minimum of 30m from a railway level crossing, as measured from the closest rail track to the edge of the seal on the vehicle access point; and</i> <i>2. For railway level crossings controlled by stop signs or give way signs, any structures, vegetation or other visual obstructions must not be located within the approach sightlines or restart sightline areas as shown in the shaded areas of Figure - TRAN 3 and Figure - TRAN 4.</i>

				KiwiRail seeks amendment to assist with the clear interpretation and implementation of this standard.	
35.	Natural Hazards	New rule to provide for Regionally Significant Infrastructure –repair, replacement and upgrading	Support	These doesn't appear to be provision for maintenance, replacement and upgrading of regionally significant infrastructure where these are located in hazard areas. Within limits it is appropriate that regionally significant infrastructure is able to be maintained replaced and upgraded within existing alignment. This reflects a significant investment in major infrastructure and the need for it to be able to operate to save communities. It is noted that there is some provision for works to existing infrastructure in hazard areas in the network utility section, however for clarity more explicit provision is sought to allow for the continuance of existing regionally significant infrastructure.	<p>Amend to add new rule as follows;</p> <p><u>Applying to all Hazard overlays</u></p> <p><u>NH- RX</u></p> <p><u>Existing Regionally Significant Infrastructure - maintenance, replacement and upgrading</u></p> <p><u>Where:</u></p> <p><u>PER-1</u> <u>The infrastructure is within 5m of the existing alignment or location; and</u></p> <p><u>PER-2</u> <u>The above ground footprint of the infrastructure is not increased by more than 10%;</u></p> <p><u>Activity status where compliance not achieved: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <u>1. any adverse effects arising from locating the regionally significant infrastructure in this location; and</u> <u>2. any potential adverse effects of diverting or blocking overland flow path(s), including upstream and downstream flood risks; and</u> <u>3. the effectiveness and potential adverse effects of any proposed mitigation measures; and</u> <u>4. alternative locations for the regionally significant infrastructure; and</u> <u>5. any positive effects of locating the regionally significant infrastructure at this location; and</u> <u>6. the ability for the regionally significant infrastructure to be efficiently recovered after a hazard event; and</u> <u>7. the operational need or functional need for the activity to be established in this location.</u>
36.	Ecosystems and Indigenous Biodiversity	ECO-P3 Appropriate indigenous vegetation clearance in significant natural areas	Seek amendment	There may vegetation clearance requirements to enable the rail network to operate safely and efficiently and can be maintained over time. The policy supports the safe and efficient operation of regionally significant infrastructure but should be amended to clarify that it also applies to railway corridors when carried out to maintain the safe and efficient operation of the rail network.	<p>Amend as follows:</p> <p><u>ECO-P3.</u> <u>Provide for permitted activities and for the continued operation of lawfully established activities in and adjacent to significant natural areas by enabling the removal of indigenous vegetation for:</u></p> <ol style="list-style-type: none"> <u>1. The relocation, maintenance or construction of fence lines for stock exclusion; and</u> <u>2. Conservation activities; and</u> <u>3. Construction of permitted building platforms including services and access; and</u> <u>4. Maintenance of existing roads, railways, driveways, tracks and water intake/discharge structures; and</u>
37.	Natural character	NATC-R5. Exemptions	Support	KiwiRail supports the exemptions list with an amendment to reflect that the railway corridor requires support for its ongoing operation in maintenance and that this requires clarification in clause (v).	<p>Amend NATC R5 Exemptions as follows:</p> <p><u>The following activities are exempt from the provisions of NATC – Table 1:</u></p> <ol style="list-style-type: none"> <u>(i) Municipal water supply intake structures and buildings; and</u>

					<ul style="list-style-type: none"> (ii) (ii) Rural water supply intake structures; and (iii) (iii) Municipal wastewater discharge structures and buildings; and (iv) (iv) Structures, earthworks or vegetation clearance for flood management or protection purposes or drainage works where these are undertaken by the Waikato or Manawatū Whanganui Regional Councils, Waitomo District Council or on their behalf by an approved contractor; and (v) (v) The operation and maintenance of existing district roads, bridges, railway corridors and state highways;
38	Subdivision	SUB-O10 Subdivision design	Support	KiwiRail supports the objective to manage adverse effects on regionally significant infrastructure. The rail network interacts with almost all zones within Waitomo. 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.	Retain as proposed
39	Subdivision	SUB-P3 Adverse effects of subdivision on activities	Support	KiwiRail supports the policy which seeks to manage subdivision so that it does not adversely affect adjacent land use activities, network utilities, and regionally significant infrastructures	Retain as proposed
40	Earthworks	EW-P1 Benefits and necessity	Support	KiwiRail supports recognition of the necessity of earthworks for the provision of utilities.	Retain as proposed
41	Noise	NOISE-O3 Reverse sensitivity	Support	KiwiRail supports recognition of the need to manage reverse sensitivity effects from the location and development of noise sensitive activities.	Retain as proposed
42	Noise	Noise P2	Support	The policy supports the design and acoustic mitigation requirements in the Plan where noise sensitive activities are located adjacent to railway corridors.	Retain as proposed
43	Temporary activities	New rule	Seek amendment	There appears to be a lack of provision for temporary worksites associated with construction works. KiwiRail seeks 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 and an RDA is proposed.	<p>Amend by adding a new rule as follows:</p> <p><u>TEMP-RX Temporary buildings and structures ancillary to construction work</u> <u>All zones</u></p> <p><u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-1 The temporary building and/or structure is located on the same site as the associated construction work; and</u></p> <p><u>PER-2 The maximum combined gross floor area of any temporary buildings and/or structures does not exceed 50m2 where the site is located within or adjoining a Residential zone; and</u></p> <p><u>PER-3 The temporary building and/or structure is removed from the site upon completion of the associated construction work, or within 24 months from the date it was located on the site, whichever is sooner; and</u></p> <p><u>PER-4 The temporary building and/or structure must comply with the height, height in relation to boundary, and setback requirements of the zone where the activity is located.</u></p> <p><u>Note: The activity must comply with NOISE-R4</u></p> <p><u>Activity status where compliance not achieved with PER-4: Restricted Discretionary</u></p>

					<p>Matters of discretion are restricted to:</p> <p><u>loss of outlook, shading, loss of privacy and loss of amenity; and location and design.</u></p> <p><u>Activity status where compliance not achieved with PER-1 or PER-2 or PER-3: RDA</u></p>
38.	<p>Various zones including</p> <p>a. RESZ Residential zone</p> <p>b. GRUZ General Rural zone</p> <p>c. RPROZ Rural Production zone</p> <p>d. RLZ Rural Lifestyle zone</p> <p>e. SETZ Settlement Zone</p> <p>f. COMZ Commercial Zone</p> <p>g. MPZ Māori Purpose Zone</p> <p>h. INZ Industrial Zone</p> <p>i. OSZ Open Space Zone</p>	Zone rules	Seek amendment	<p>KiwiRail seeks the amendment and inclusion of noise and vibration controls requiring acoustic insulation and ventilation to be installed in new (or altered) noise sensitive uses within 100m of the railway corridor. KiwiRail seeks to amend the proposed plan definition of noise sensitive activities to include activities such as community buildings and churches. These spaces potentially require appropriate treatment in order to be able to deliver recreational, spiritual or occupational activities. The rural production zone provides for residential activities and the open space zone provides for community activities.</p> <p>KiwiRail supports the existing provision in most zones (RESZ, GRUZ, RLZ, SETZ, COMZ, MPZ) which recognizes the potential for there to be higher noise environments within close proximity to a railway line and provide rules to manage this e.g <i>RLZ-25 Noise insulation for noise sensitive activities</i>. This is consistent with the plans policy framework which requires noise sensitive activities to be located and designed to minimise adverse effects on the health and amenity of occupants and to avoid reverse sensitivity effects.</p> <p>KiwiRail seeks an amendment based on technical research that demonstrates that noise effects can be experienced up to 100m away from a railway line. KiwiRail supports the intent of the existing plan standards relating to noise in these zones but seeks an amendment to achieve an approach specific to rail noise. The wider effects area measurement and a lower internal noise level is recommended for greater acoustic protection and reduced health effects.</p> <p>Proposed Plan zones which do not contain a railway corridor railway are not included.</p> <p>Most zones listed in this submission have either existing rail or road noise controls, or both. The exceptions are RPROZ and OSZ, and INZ which have neither but have the potential for the establishment of noise sensitive activities. KiwiRail supports the Plan recognition for a railway noise effects area and the requirement that this be managed to both create appropriate environments for noise sensitive activities and to address potential reverse sensitivity effects.</p> <p>Noise and vibration from rail activities can potentially give rise to adverse health and amenity effects on noise sensitive activities located nearby if not properly addressed and provided for. The amended standard will provide options for developers in achieving an appropriate level of amenity for residents who live within 100m of the rail corridor.</p> <p>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.</p>	<p>1. Support the provisions in the zones listed, such as <i>RLZ-25 Noise insulation for noise sensitive activities</i>, which establish the principle for managing noise effects on noise sensitive receivers adjacent to land transport corridors in the Proposed Plan zone rules; and</p> <p>2. Amend by adding a new rule to the zones listed a standard applying within 100 metres of the legal boundary of any railway corridor boundary as follows;</p> <p><u>Within 100m of a railway corridor boundary</u></p> <p>1. <u>Any habitable room in a new building used for a noise sensitive activity, or an alteration to an existing building that changes its use to a noise sensitive activity:</u></p> <p>a. <u>is designed, constructed and maintained to achieve indoor noise levels resulting from the railway not exceeding 35 dB LAeq(1h); or</u></p> <p>b. <u>is a single-storey framed residential building with habitable rooms designed, constructed and maintained in accordance with the construction schedule in Table XX - Minimum construction requirements for external building elements of habitable rooms to achieve an advanced level of acoustic insulation (see attached Appendix A).</u></p> <p>2. <u>A report is submitted to the council demonstrating compliance with the above prior to the construction or alteration of any building containing an activity sensitive to noise.</u></p> <p><u>Note - Railway noise is assumed to be 70 dB LAeq(1 hour) 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.</u></p> <p><u>Matters over which discretion is restricted:</u></p> <p>i. <u>the extent to which building(s) containing activities sensitive to noise have been located and designed with particular regard to proximity to the rail corridor;</u></p> <p>ii. <u>the extent of non-compliance with the noise standard and the effects of any non-compliance</u></p> <p>iii. <u>the extent to which topographical features or location of other buildings or structures will mitigate noise effects; and</u></p> <p>iv. <u>Any noise management implications arising from technical advice from an acoustic rail noise expert and KiwiRail</u></p>

39.	<p>Various zones;</p> <ul style="list-style-type: none"> a. RESZ Residential zone b. GRUZ General Rural zone c. RPROZ Rural Production zone d. RLZ Rural Lifestyle zone e. SETZ Settlement Zone f. COMZ Commercial Zone g. MPZ Māori Purpose Zone h. INZ Industrial Zone i. OSZ Open Space Zone 	Noise	Seek amendment	<p>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 within proximity to the railway corridor, minimising the potential for complaints about the effects of the railway network. This standard is designed to protect the rail corridor from reverse sensitivity effects and provide an appropriate level of amenity for occupants that abut the rail corridor.</p>	<p>Amend by inserting new standard as follows:</p> <p><u>NOISE-SX Indoor railway vibration</u></p> <ol style="list-style-type: none"> 1. <u>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:</u> <ol style="list-style-type: none"> a) <u>is designed, constructed and maintained to achieve rail vibration levels not exceeding 0.3 mm/s vw,95 or</u> b) <u>is a single storey framed residential building with:</u> <ol style="list-style-type: none"> I. <u>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</u> II. <u>ii. vibration isolation separating the sides of the floor slab from the ground; and</u> III. <u>no rigid connections between the building and the ground.</u> 2. <u>A report is submitted to the council demonstrating compliance with the above prior to the construction or alteration of any building containing an activity sensitive to vibration.</u> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>Whether the activity sensitive to vibration could be located further from the railway network.</u> 2. <u>The extent to which the vibration criteria are achieved and the effects of any non-compliance.</u> 3. <u>The character of, and degree of, amenity provided by the existing environment and proposed activity.</u> 4. <u>The outcome of any consultation with KiwiRail.</u>
40.	<p>Various zones;</p> <ul style="list-style-type: none"> a. RESZ Residential zone b. GRUZ General Rural zone c. RPROZ Rural Production zone d. RLZ Rural Lifestyle zone e. SETZ Settlement Zone 	NOISE-S4 Ventilation requirements	Seek amendment	<p>KiwiRail supports a standard for mechanical ventilation. Where windows must be closed in habitable rooms to protect occupants from noise effects, mechanical ventilation is required to achieve an appropriate level of amenity for occupants.</p> <p>KiwiRail seeks amendments to ensure that the standard aligns with other relief sought by KiwiRail and to ensure ventilation provides controllable cooling and heating to maintain an appropriate room temperature.</p> <p>In addition, the matters of discretion require amendment to relate specifically to the required mechanical ventilation and compliance with the standard only. Matters 1, 3 and 4 are not considered appropriate when the standard is very clear on what is and isn't acceptable.</p>	<p>Amend each zone listed by adding new standard as follows:</p> <ol style="list-style-type: none"> 1. <u>The requirements of ('XXX' being the railway noise acoustic insulation standard wherever it appears in the Plan) must be achieved at the same time as the ventilation requirements of the New Zealand Building Code. An alternative means of ventilation must be provided within any habitable room unless an acoustic design certificate signed by a suitably qualified acoustic engineer is provided that states the design of any habitable room as proposed will comply with the acoustic insulation standard with windows open.</u> 2. <u>Ventilation systems where installed must:</u> <ol style="list-style-type: none"> a. <u>provide cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C;</u> b. <u>not generate more than 35 dB LAeq(30s) when measured 1 metre away from any grille or diffuser; and</u> c. <u>provide an adjustable airflow rate of up to at least 6 air changes per hour.</u>

	f. COMZ Commercial Zone g. MPZ Māori Purpose Zone h. INZ Industrial Zone i. OSZ Open Space Zone				
72	Sign	SIGN-02 Managing road safety	Support	KiwiRail supports policy direction that ensures signs do not adversely affect traffic safety, particularly at rail level crossings.	Retain as proposed
73	Sign	SIGN-S15 Standards for all signs	Seek amendment	KiwiRail support the requirement for signs to not be erected in a manner that obstructs railway operations but the railway itself may contain signs and this standard prevents that. There are several criteria within the standard that will ensure that sign location is safe relative to railway corridor operations and an amendment is required to enable signs to be erected on the railway corridor.	Amend SIGN R15 as follows; <u>1. Signs must not be located in or project over the railway corridor; and</u> <u>2. Signs must not be located in or project over a road, indicative road, vehicle access point, accessway, service lane or driveway; and</u> <u>3. Signs must not obstruct the line of sight of any road corner, bend, intersection, vehicle or rail crossing; and</u> <u>4. Signs must not be placed within 20 m of a road intersection; and</u> <u>5. Signs must not obstruct, obscure or impair the view of any traffic or railway sign or signal; and</u> <u>6. Signs must not have flashing or revolving lights or lasers and must not be shaped or use images or colours that could be mistaken for a traffic control device in colour, shape or appearance</u>
75	Multiple	All zones adjacent to rail corridor including: a) RESZ b) GRUZ c) RPROZ d) RLZ e) SETZ f) COMZ g) INZ h) NOSZ i) OSZ j) MPZ	Seek amendment	Rule NU-R13 proposes that structures adjacent to the railway corridor are set back from it by 5metres. The rule may be potentially overlooked or identified too late in the design process. While KiwiRail supports rule in NU-R13, there is a plan administration rationale for providing for the 5m setback rule within each of the zones adjoining the railway corridor. This submission seeks such a rule. It is noted that various zones include similar setbacks from State Highways. 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. A setback requirement of 5m from the railway corridor for new buildings or structures on sites adjoining the railway corridor ensures that people can use and maintain their land and buildings safely without needing to extend out into the railway corridor, minimising the risks of physical interference on railway operations and health and safety hazards on these residents. A 5m 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 seeks a 5m 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 to add a new performance standard as follows: <u>Minimum setback from railway corridor boundaries</u> <u>Where:</u> <u>No building or structure may be located within 5m of any site boundary with the rail corridor.</u> <u>Activity status when compliance not achieved: RDIS</u> <u>New rule:</u> <u>Buildings or structures not meeting Rule XXX-RX</u> <u>Activity Status Restricted Discretionary</u> <u>Where:</u> <u>The building or structure is setback less than 5m from the rail corridor boundary.</u> <u>Where the activity is RDIS, the matters over which discretion is restricted are:</u> <u>(a) The size, nature and location of the structure on the site; and</u> <u>(b) The extent to which the safety and efficiency of current and future rail operations will be adversely affected; and</u> <u>(c) Whether the structure would compromise the design, construction or functioning of the future transport system; and</u> <u>(d) Whether any land use activities enabled or established by the structure would be incompatible with rail operations or the transport system or create reverse sensitivity issues; and</u> <u>(e) The outcome of consultation with KiwiRail.</u>

76	Designations	KRH – KiwiRail Holdings Limited	Support	KiwiRail supports its designations schedule entry as notified.	Retain as proposed.
Part 4 –Appendices and Maps					
77	Significant Natural Areas		Support	KiwiRail notes there are SNA's overlay (local and regional) that extend within the rail corridor. Land transport designation corridors, such as KiwiRail's railway designations, are highly modified areas and therefore do not meet the identity and management hierarchy requirements for SNAs. The benefits of infrastructure are provided irrespective of location. Placing an SNA overlay over existing designated land transport corridors does not reflect the designated use and purpose of these corridors or recognise the highly modified nature of these environments.	That the Proposed District Plan Maps are amended to remove the Significant Natural Area overlay from KiwiRail's corridor designations (as listed under "KR 01 in the Designations schedule).
Planning maps					
78	All maps containing the railway designation	Designation KRH1	Support	On 23 July 2018 KiwiRail submitted a clause 4(1) notice for the rollover of KiwiRail designations with corrections and a GIS shapefile to Council. If any errors are identified KiwiRail is happy to work with the Council and/or other requiring authorities to correct any errors in the shapefile.	Retain as notified. all KiwiRail designations as notified under 'KiwiRail Holdings Limited' and in the Planning maps.

Appendix A

Schedule XX Construction schedule for indoor noise control

Elements	Minimum construction for noise control in addition to the requirements of the New Zealand Building Code	
External walls	Wall cavity infill of fibrous insulation, batts or similar (minimum density of 9 kg/m ³)	
	Cladding and internal wall lining complying with either Options A, B or C below:	
	Option A - Light cladding: timber weatherboard or sheet materials with surface mass between 8 kg/m ² and 30 kg/m ² of wall cladding	Internal lining of minimum 17 kg/m ² plasterboard, such as two layers of 10 mm thick high-density plasterboard, on resilient/isolating mountings
	Option B - Medium cladding: surface mass between 30 kg/m ² and 80 kg/m ² of wall cladding	Internal lining of minimum 17 kg/m ² plasterboard, such as two layers of 10 mm thick high-density plasterboard
	Option C - Heavy cladding: surface mass between 80 kg/m ² and 220 kg/m ² of wall cladding	No requirements additional to New Zealand Building Code
Roof/ceiling	Ceiling cavity infill of fibrous insulation, batts or similar (minimum density of 7 kg/m ³)	
	Ceiling penetrations, such as for recessed lighting or ventilation, shall not allow additional noise break-in	
	Roof type and internal ceiling lining complying with either Options A, B or C below:	
	Option A - Skillion roof with light cladding: surface mass up to 20 kg/m ² of roof cladding	Internal lining of minimum 25 kg/m ² plasterboard, such as two layers of 13 mm thick high-density plasterboard
	Option B - Pitched roof with light cladding: surface mass up to 20 kg/m ² of roof cladding	Internal lining of minimum 17 kg/m ² plasterboard, such as two layers of 10 mm thick high-density plasterboard
Option C - Roof with heavy cladding: surface mass between 20 kg/m ² and 60 kg/m ² of roof cladding	No requirements additional to New Zealand Building Code	
Glazed areas	Aluminium frames with full compression seals on opening panes	
	Glazed areas shall be less than 35% of each room floor area	
	Either, double-glazing with: <ul style="list-style-type: none"> • a laminated pane of glass at least 6 mm thick; and • a cavity between the two panes of glass at least 12 mm deep; and • a second pane of glass at least 4 mm thick Or, any other glazing with a minimum performance of <i>R_w</i> 33 dB	
Exterior doors	Exterior door with line-of-sight, to any part of the state highway road surface or to any point 3.8 metres above railway tracks	Solid core exterior door, minimum surface mass 24 kg/m ² , with edge and threshold compression seals; or other

*doorset with minimum performance of
Rw 30 dB*

*Exterior door shielded by the building so
there is no line-of-sight to any parts of
the state highway road surface or any
points 3.8 metres above railway tracks*

*Exterior door with edge and threshold
compression seals*