

12 December 2022

Waipa District Council  
101 Bank Street  
Te Awamutu

**By email:** [districtplan@waipadc.govt.nz](mailto:districtplan@waipadc.govt.nz)

## KIWIRAIL FURTHER SUBMISSION ON PROPOSED PLAN CHANGE 26

### NAME OF SUBMITTER:

KiwiRail Holdings Limited (KiwiRail)

### ADDRESS FOR SERVICE:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Attention: Michelle Grinlinton-Hancock

Email: [REDACTED]

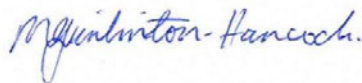
### Background

1. KiwiRail made a submission on Proposed Plan Change 26 (submitter 54).
2. KiwiRail makes the following further submission on submissions to Proposed Plan Change 26, as set out in the **attached** schedule.
3. For the submissions that KiwiRail supports, KiwiRail considers that the relief sought should be allowed because it:
  - (a) will promote the sustainable management of the natural and physical resources in Waipa District, and is therefore consistent with Part 2 and other provisions of the Resource Management Act 1991 (**RMA**) and the Enabling Housing Supply Amendment Act 2021 (**Amendment Act**);
  - (b) is consistent with other relevant planning documents, including the Waikato Regional Policy Statement and National Policy Statement for Urban Development 2020;
  - (c) will meet the reasonably foreseeable needs of future generations;
  - (d) will avoid, remedy or mitigate actual and potential adverse effects on the environment;
  - (e) will enable the social, economic and cultural wellbeing of the people of Waipa District; and



- (f) is the most appropriate way to achieve the objectives of the Proposed Plan in terms of section 32 of the RMA.
4. For the submissions that KiwiRail opposes, KiwiRail considers that the relief sought should be declined because it:
- (a) will not promote the sustainable management of the natural and physical resources in Waipa District, and is therefore contrary to, or inconsistent with, Part 2 and other provisions of the RMA and the Amendment Act;
  - (b) is inconsistent with other relevant planning documents, including the Waikato Regional Policy Statement and National Policy Statement for Urban Development 2020;
  - (c) will not meet the reasonably foreseeable needs of future generations;
  - (d) will not avoid, remedy or mitigate actual and potential adverse effects on the environment;
  - (e) will not enable the social, economic and cultural wellbeing of people of Waipa District; and
  - (f) is not the most appropriate way to achieve the objectives of the Proposed Plan in terms of section 32 of the RMA.
5. For those submissions that KiwiRail supports, KiwiRail seeks that they be allowed, and for those that are opposed, KiwiRail seeks that they be disallowed.
6. KiwiRail wishes to speak to its submission and further submission. KiwiRail could not gain an advantage in trade competition through this further submission.

Yours faithfully



Michelle Grinlinton-Hancock  
**RMA Team Leader**  
**KiwiRail Holdings Limited**



SCHEDULE 1 – PROPOSED PLAN CHANGE 26

Submitter and Submission ID	Submitter #	Relevant Provision	The particular parts of the submission I support or oppose are:	Support / Oppose	Reasons for Support or Opposition	Decision Sought
	53.13	NSI – qualifying matter	Development next to a railway should not be considered a qualifying matter, as it can already be controlled through acoustic insulation under the Building Act, which is to a very high standard. If it is to remain a qualifying matter, is Kiwi Rail Written approval required or can the requirements for building next to a railway be explicitly outlined in the rule. An acoustic report offers little value.	Oppose	This submission is not supported as it is reasonable for rail to be a qualifying matter. The intensification of land adjacent to the rail corridor increases the risk of potential interference with the rail corridor by building maintenance and other activities being undertaken on sites adjoining the rail corridor and these risks need to be managed.	KiwiRail seeks that this submission point be disallowed.
Kainga Ora	79.129	2A.1.24	Amend 2A.1.24 as follows: Provisions in the Waipā Operative District Plan related to building in relation to the National Grid transmission network the <del>state highway</del> <del>road network and the North Island Main Trunk railway</del> <del>are</del> <del>is</del> a qualifying matters by virtue of section 77(l)(b) of the Act being a matter required to give effect to a National Policy Statement and section 77(l)(e) being a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure.	Oppose	This submission is not supported as it is reasonable for rail to be a qualifying matter. The intensification of land adjacent to the rail corridor increases the risk of potential interference with the rail corridor by building maintenance and other activities being undertaken on sites adjoining the rail corridor and these risks need to be managed.	KiwiRail seeks that this submission point be disallowed.
Kainga Ora	79.140	NSI – qualifying matter	The provision does not align with the NPS-UD, wherein high-density development is encouraged around rapid transport routes. Kāinga Ora is opposed to provisions concerning reverse sensitivity, whether for infrastructure or otherwise. Effects should be managed 'at source' as far as practicable. Delete 2A.2.7 as notified.	Oppose	The nature of railway operations means KiwiRail cannot fully internalise all its effects within the railway corridor boundaries. Environmental legislation and caselaw recognises the lawful emission of such effects. Increasing development around railway corridors consequentially means the introduction of more sensitive receivers to adverse effects of existing and lawful railway activities. With a proposed increase in sensitive activities in proximity to the railway corridor as a result of the increased density enabled by Plan Change 26, KiwiRail is concerned that without appropriate planning measures in place at a territorial level, the risk of adverse health and amenity effects impacting people locating in proximity to the railway corridor, and reverse sensitivity effects constraining our operations is significantly elevated.	KiwiRail seeks that this submission point be disallowed.
Waka Kotahi	63.14	Definitions	It is noted that the term "transport network" is referred to within the PC26 amendments but is not defined. Waka Kotahi considers that the term requires defining for plan user interpretation. Add a new definition to Part B: Definitions as follows: <u>"Transport Network" Means all public rail, public roads, public pedestrian and cycling facilities, public transport, and associated public infrastructure. It includes: train stations; bus stops; bus shelters; and park and ride areas serving train stations.</u>	Support	The submission is supported for the reasons set out in the submission by Waka Kotahi.	KiwiRail seeks that this submission point be allowed.

