

Further Submitter #299

4 September, 2023

Far North District Council

By email: pdp@fndc.govt.nz

FS299.01 - 299.05

FURTHER SUBMISSIONS ON FAR NORTH PROPOSED DISTRICT PLAN

NAME OF SUBMITTER:

KiwiRail Holdings Limited (**KiwiRail**)

1. **Introduction**
2. KiwiRail is the State-Owned Enterprise responsible for the construction, maintenance and operation of New Zealand's rail network. KiwiRail is also a Requiring Authority that holds railway purpose designations in district plans throughout New Zealand, including in this Plan.
3. KiwiRail welcomes the opportunity to provide feedback on the Proposed District Plan, and provides this further submission on the following submissions:
 - (a) Pou Herenga Tai Twin Coast Cycle Trail Trust ("**Trust**"); and
 - (b) Horticulture New Zealand.
4. **Pou Herenga Tai Twin Coast Cycle Trail Trust Submission nos S425.009, 010, 012 and 013.**
5. KiwiRail opposes the relief sought by the Trust at submission points S425.009, 010, 012 and 013 to seek a District Plan "overlay" identifying the Twin Coast Cycle Trail Cycleway, with specific objectives, policies and rules under the Plan.
6. The Trust's proposed relief includes objectives and policies discouraging activities "incompatible" with the "overlay". The Trust's proposed relief would also allow for buildings to occur as a permitted activity within the cycleway if approved by the Trust.
7. Much of the cycleway is on railway corridor land, owned by KiwiRail and leased to the Trust. While KiwiRail is supportive of community infrastructure and alternative transport modes, KiwiRail is concerned about the impact the relief sought by the Trust will have on the safe and efficient operation and development of the railway corridor.
8. KiwiRail opposes the introduction of a plan overlay which may have the effect of restricting or otherwise impacting on current or future rail activities. KiwiRail seeks that the submission points sought by the Trust to introduce the new overlay be disallowed.



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Level 1, KiwiRail Building, 604 Great South Road, Ellerslie, Auckland 1051

Private Bag 92138, Victoria Street West, Auckland 1142

9. **Horticulture New Zealand submission number S159.032**
10. KiwiRail opposes the submission of Horticulture New Zealand in relation to the changes sought by this submitter to I-P7, which seek deletion of a range of references relating to managing effects on and protection of local, regional, and nationally significant infrastructure. KiwiRail is not opposed to subdivision, use and development near the rail corridor, providing it is carefully managed to ensure it does not adversely effect the safe and efficient operation of the rail network. The policy as notified better enables this to occur, as often it may not be obvious how an activity may "compromise" the operation and capacity of the rail network until it is occurring, particularly in the case of cumulative effects, at which point it becomes difficult to remedy later. It is also critical that this recognition is retained, including express reference to "regionally and nationally significant infrastructure" which is consistent with the Regional Policy Statement.
11. **General reasons for further submissions**
12. In addition to the reasons set out above, KiwiRail considers the relief sought by the Trust and Horticulture New Zealand should be declined because it:
- (a) will not promote the sustainable management of the natural and physical resources in the Far North, and is therefore contrary to, or inconsistent with, Part 2 and other provisions of the RMA;
 - (b) is inconsistent with other relevant planning documents, including the Northland Regional Policy Statement and Northland Regional Plan;
 - (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 the Far North; and
 - (f) is not the most appropriate way to achieve the objectives of the Proposed District Plan in terms of section 32 of the RMA.
13. KiwiRail seeks such further, alternative or other consequential amendments as may be necessary to address KiwiRail's further submission as set out above.
14. KiwiRail wishes to speak to this submission. KiwiRail could not gain an advantage in trade competition through this submission.

Yours faithfully



Pam Butler
Senior RMA Advisor
KiwiRail Holdings Limited

Online Further Submission

Further Submitter # 299

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| Further Submitters Name | KiwiRail Holdings Limited |
| Further Submitter Number | FS299 |
| Wish to be heard | Yes |
| FS qualifier | a person who has an interest in the proposal that is greater than the interest the general public has (e.g. land owner, resource user) |
| FS qualifier reason | KiwiRail holds land and designations for railway purposes within the district. |
| Joint presentation | Yes |
| Attention: | Ms. Pam KiwiRail |
| Contact organisation | KiwiRail Holdings Limited |
| Address for service | Level 1, KiwiRail Building, 604 Great South Road, Ellerslie, Auckland 1051 Auckland Auckland |
| Telephone | 0275708571 |
| Mobile | 0275708571 |
| Email | pam.butler@kiwirail.co.nz |
| Online further submitter? | Yes |
| Date raw FS lodged | 04/09/2023 4:56pm |

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Further submission points

| Raw FS number | Original submitter | Related Submission Point | Plan section | Provision | OS Decision Requested | SupportOppose | FS Decis |
|---------------|--------------------------|--------------------------|----------------|-----------|--|---------------|----------|
| FS299.1 | Horticulture New Zealand | S159.032 | Infrastructure | I-P7 | Amend Policy I-P7 as follows: Protect Ensure that regionally significant infrastructure from the effects of is not compromised by incompatible land use and subdivision, use and development, including reverse sensitivity effects, which may compromise the operation and capacity of infrastructure by: <ol style="list-style-type: none"> 1. locating and designing noise sensitive activities to avoid potential reverse sensitivity effects on airports and State Highways; 2. avoiding physical obstructions in take-off, approach, landing and departure paths and runway end protections areas; 3. managing new noise sensitive activities within a defined air noise contour; 4. managing access to the railway corridor, and local, regional and national road network; 5. managing landuse and subdivision activities in proximity to Critical Electricity Lines to: <ol style="list-style-type: none"> 1. retain the ability for | Oppose | Disallow |

the network utility operator to access, operate, maintain, repair and upgrade the line
recognising that some lines may cross private land;

2. ensure that future buildings and building alterations, earthworks, planting trees construction activities do not compromise the effective operation of the electricity distribution network and maintain safe electrical clearance distances under all electricity distribution line operating conditions.

6. managing land disturbance and activities sensitive to gas transmission to avoid, or mitigate potential adverse effects on, gas transmission pipelines; and

7. managing other activities, through setbacks and design controls where necessary, ~~to achieve appropriate protection of local, regional and nationally significant infrastructure.~~

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| FS299.2 | Pou Herenga Tai Twin Coast Cycle Trail Charitable Trust | S425.009 | Planning maps | General / Miscellaneous | insert Pou herenga Tai Trail in the district plan as an overlay | Oppose | Disallow |
| FS299.3 | Pou Herenga Tai Twin Coast Cycle Trail Charitable Trust | S425.010 | General | General / Plan Content / Miscellaneous | Insert the Pou Herenga Tai Cycle Trail Overlay Chapter (see Attachment 2) which includes provisions that seek to: | Oppose | Disallow |

- Recognise and provide for the Trail in acknowledgement of the social, economic and environmental benefits it provides to the District as acknowledged by its classification as regionally significant infrastructure;
- Enable appropriate activities, including the maintenance, operation, and upgrade of the Trail; and
- Manage reverse sensitivity effects.

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| FS299.4 | Pou Herenga Tai Twin Coast Cycle Trail Charitable Trust | S425.012 | Transport | Objectives | <p>insert the Trail in the maps as an overlay and that the suit of provisions provided as Attachment 2 be incorporated into the Plan (see section 2.0 of this submission).</p> <p>in the event that Council does not accept PHHTTCCT primary relief:</p> <ul style="list-style-type: none"> - Review the drafting of the chapter to make its purpose clear. - Provide direction in a clear and consistent throughout the plan in terms of how chapters are meant to interact. - Ensure that appropriate objective and policy direction is included to recognise and provide for the Trail as Regionally Significant Infrastructure | Oppose | Disallow |
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| FS299.5 | Pou Herenga Tai Twin Coast Cycle Trail Charitable Trust | S425.013 | Transport | Policies | <p>insert the Trail in the maps as an overlay and that the suit of provisions provided as Attachment 2 be incorporated into the Plan (see section 2.0 of this submission).</p> <p>in the event that Council does not accept PHHTTCCT primary relief:</p> <ul style="list-style-type: none"> - Review the drafting of the chapter to make its purpose clear. - Provide direction in a clear and consistent throughout the plan in terms of how chapters are meant to interact. - Ensure that appropriate objective and policy direction is included to recognise and provide for the Trail as Regionally Significant Infrastructure | Oppose | Disallow |
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