



21 October 2022

Proposed District Plan
District Planning Team
Private Bag 752
Kaikohe 0440

By email to: pdp@fndc.govt.nz

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR PLAN, CHANGE OR VARIATION
(FORM 5)
Far North Proposed District Plan**

NAME OF SUBMITTER: KiwiRail Holdings Limited (KiwiRail)

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Scope and nature of submission

KiwiRail welcomes the opportunity to provide feedback on the Proposed Far North District Council (FNDC) Plan.

This submission relates to the provisions of the Proposed Plan which are set out in Schedule 1.

KiwiRail supports the retention of some provisions of the Proposed Plan and seeks amendments to others (as detailed in Schedule 1).

KiwiRail could not gain an advantage in trade competition through this submission.

KiwiRail wishes to be heard in support of this submission.

KiwiRail's operations

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. KiwiRail's national railway network (which comprises of 3,700km of track, over 200 locomotives, 18,100 hectares of land and

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1,350 modern and heritage buildings)¹ is a nationally and regionally significant infrastructure asset. The rail network is critical to the safe and efficient movement of freight and passengers throughout New Zealand and forms an essential part of the national transportation network and the wider supply chain. New Zealanders have invested significantly in the rail network, and it is a critical public asset. These assets form a key part of the KiwiRail network nationally and KiwiRail seeks to protect its ability to operate, maintain and upgrade these assets into the future.

The benefits of rail to the New Zealand economy were estimated in 2019 to be in the order of \$1.7 – 2.1 billion.² The economic significance of rail and the critical role it plays in reducing New Zealand's carbon emissions has been recognised by the Government through its continued investment in rail infrastructure. Transport modal shifts to more climate-friendly modes of transport, like rail, are critical to reduce carbon emissions. As a result, rail is experiencing a renaissance as evidenced by the significant investment being made by the Government to reinvigorate the railway network, demonstrating a strong and continued confidence in rail's current and future potential.

In the most recent budget, the Government allocated \$349 million to replace and modernise New Zealand rail assets,³ which has gone towards a number of major projects nationwide, including the rejuvenation of Northland's railway lines, the reopening of the Napier to Wairoa line, establishing a multi-million dollar regional freight hub in Palmerston North, and significant upgrades to the Auckland, Wellington and Hamilton metro networks.

The North Auckland Line is a designated railway corridor and there is a depot/yard at Otiria which is being redeveloped for CT and future log traffic, and one at Kawakawa. PGF funding has been allocated for upgrade works on lines within the District.

Development around the Rail Corridor

It is critical that the Proposed Plan provides for adequate management of the interface between development and lawfully established, critical infrastructure, such as the railway network. This is necessary to ensure our communities are built in healthy living environments, and the railway network can operate and develop in the future without constraint. An integrated and proactive approach to planning is critical to support growing urban environments, and to ensure that our transport network can support the increasing growth and more housing. Provisions in the FNDC Proposed Plan seeking to achieve this are therefore fully supported.

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. 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 its operations is increased.

KiwiRail seeks to manage this interface through the inclusion of the following controls in district plans:

Noise and vibration controls – requiring acoustic insulation and ventilation to be installed in new (or altered) sensitive uses within 100m of the railway corridor. Within 60m of the railway corridor, controls are sought that buildings containing new (or altered) sensitive uses are 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

¹ Half Year Annual Report 2022 and Unaudited Financial Statements for the Six Months Ended 31 December 2021 (KiwiRail, 2022) at page 5.

² The Value of Rail in New Zealand – Report for the Ministry of Transport (EY, Wellington, 2021) at page 8.

³ Wellbeing Budget 2022 – A Secure Future (New Zealand Government, Wellington, 2022) at page 82.

to the railway corridor, minimising the potential for reverse sensitivity effects on the railway network; and

Boundary setbacks – requiring a setback within 5m of the railway corridor for new buildings or structures on sites adjoining the railway corridor. This is to ensure 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.

Proposed District Plan

In the Proposed Plan, the Council has proposed noise controls which seek to address road noise but has not included rail noise and vibration which were highlighted in earlier engagement. KiwiRail has proposed a standard noise control which includes an alternative framework for developers to achieve a compliance pathway, thus providing greater flexibility. KiwiRail is also seeking vibration controls to ensure that vibration effects are appropriately addressed.

As outlined above, KiwiRail considers 5m is an appropriate distance for setbacks, given the move towards increased building height and reduced height to boundary controls which increase the risk of potential interference with the rail corridor from maintenance and other activities being undertaken on sites adjoining the rail corridor.

Relief Sought

KiwiRail's comments on the Proposed Plan are set out in the table at Schedule 1 to this submission. The comments largely follow the structure of the Proposed 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 italicised and underlined, while any requested deletions of text are shown struck out. Existing proposed plan text is italicised. All requested changes include any consequential changes to the Proposed Plan.

KiwiRail is available to meet with the Council to discuss any elements of the submissions provided within this table, to provide any clarification that may assist in decisions on the changes requested.

Regards,



Pam Butler
Senior RMA Adviser
KiwiRail Holdings Limited

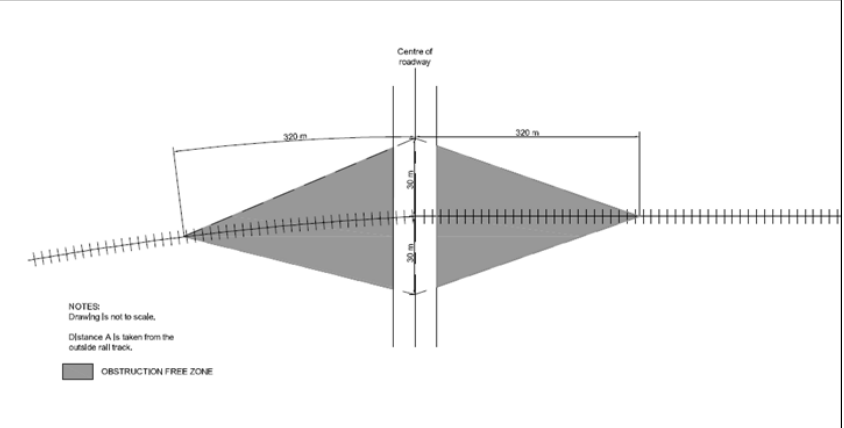
Submission Number	Section of Plan	Specific Provision	Support / Oppose / Seek Amendment	Reasons for Submission	Relief Sought (as stated or similar to achieve the requested relief)
Part 1: Introduction and General Provisions					
1.	Definitions	Infrastructure	Support	The definition as proposed which replicates the RMA definition, is supported by KiwiRail, noting clause (g) includes rail.	Retain as proposed S416.001
2.	Definitions	Maintenance and Repair	Seek amendment	There is no definition of maintenance and repair. KiwiRail considers it prudent to specify that any work or activity necessary to keep the operation or functioning of existing infrastructure, can be included.	Add a definition for maintenance and repair <u>Means</u> <u>To make good decayed or damaged fabric to keep a building or structure in a sound or weatherproof condition or to prevent deterioration of fabric; and regular and on-going protective care of a building or structure to prevent deterioration.</u> S416.002
3.	Definitions	Noise Sensitive Activity	Seek amendment	The definition as proposed includes the relevant activities that are typically sensitive to noise, and this is supported by KiwiRail but suggested to be altered for clarification	Amend as follows: <i>'means buildings or land that may be affected by noise and require a higher standard of amenity. These include:</i> <ul style="list-style-type: none"> • <u>residential or living activity, including activity in visitor accommodation or retirement accommodation, including boarding houses, residential visitor accommodation and papakāinga;</u> • <i>educational facilities;</i> • <i>health facilities, including hospitals;</i> • <i>community facilities</i> • <u>congregation within any place of worship; and</u> • <u>activity at a marae</u> Or any such alternative relief to ensure that all appropriate noise sensitive activities are covered by this definition. S416.003
4.	Definitions	Network Utility Operator	Support	KiwiRail support use of the RMA definition of Network Utility Operator, which includes railway activities in clause (f).	Retain as proposed S416.004
5.	Definitions	Official Sign	Support	KiwiRail support the definition of safety signage.	Retain as proposed. S416.005
6.	Definitions	Operational need	Support	KiwiRail supports the definition which enables existing investment in networks to be considered through plan policy and rules.	Retain as proposed S416.006
7.	Definitions	Regionally Significant Infrastructure	Support	KiwiRail support the reference to Regionally Significant Infrastructure. This includes the rail network through FNDC and its associated facilities including depots and yards.	Retain as proposed. S416.007
8.	Definitions	Reverse Sensitivity	Seek amendment	KiwiRail proposed that the Plan include a definition for reverse sensitivity effects. It is important to recognise the vulnerability of existing, lawfully established activities, such as the rail network, to noise sensitive activities being located nearby. The definition needs to recognise that rail activities are more than operation of the railway, also encompassing development, upgrading and maintenance of the railway network.	Add a definition as follows <u>Reverse sensitivity</u> <u>means the potential for the development, upgrading, operation and maintenance of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived environmental effects generated by the existing activity.</u> Or any such alternative relief to ensure that all elements likely to be affected are covered by this definition. S416.008
9.	Definitions	Transport infrastructure	Support	KiwiRail note that the definition of transport infrastructure also includes rail. This is supported. KiwiRail support the inclusion of railway furniture as well public transport systems and other transport related assets as part of this definition	Retain as proposed S416.009
Part 2 District Wide Matters					
10.	Strategic Direction	Objectives SD-IE-02	Seek amendment	KiwiRail supports the objective which should also include maintenance and repair as an essential activity for functioning networks and for consistency with other plan provisions.	Amend as follows: <i>Infrastructure and renewable electricity generation activities are protected from incompatible land use, subdivision and development that may compromise their effective operation, maintenance, repair and upgrading.</i> S416.010
11.	Energy, Infrastructure and	Objective I-01	Support	KiwiRail support the objective for effective, efficient, resilient and safe infrastructure throughout the district. Recognising and providing for infrastructure in policy is supported by KiwiRail. KiwiRail support	Retain as proposed S416.011

Appendix 1

Example locations KRH designation requires amendment.

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)
	Transport Objectives			provision for operation, maintenance, repair, removal of infrastructure as well as upgrades to, and new infrastructure.	
12.	Energy, Infrastructure and Transport Objectives	I-02	Support	KiwiRail supports the recognition of the benefits of rail in the district including its positive effects on economic and social well-being.	Retain as proposed S416.012
13.	Energy, Infrastructure and Transport Objectives	I-03	Seek amendment	The objective to protect infrastructure from adverse effects of subdivision, use and development, including reverse sensitivity, is supported by KiwiRail. KiwiRail supports this policy which should also include repair as an essential activity for functioning networks and for consistency with other plan provisions.	Amend as follows <i>Infrastructure is protected from incompatible land use, subdivision and development that may result in reverse sensitivity effects to ensure its effective operation, maintenance repair and upgrading.</i> S416.013
14.	Energy, Infrastructure and Transport Policies	I-P1	Seek amendment	The policy is supported with an amendment to add in the term 'repair' to provide consistency with other parts of the Plan.	Amend as follows <i>I-P1 Provide for the continued operation, maintenance, repair, upgrading and replacement of existing infrastructure.</i> S416.014
15.	Energy, Infrastructure and Transport Policies	I-P2	Support	Recognition that there are specific circumstances in which the upgrade of existing, or new, infrastructure may be appropriate in sensitive locations such as the coast is supported. In particular, that the policy links to the technical, operational and functional needs and constraints of infrastructure is supported.	Retain as proposed S416.015
16.	Energy, Infrastructure and Transport Policies	I-P3	Support	Policy to enable the upgrading and development of infrastructure is supported by KiwiRail. In particular, that the policy links to the technical, operational and functional needs and constraints of infrastructure is supported.	Retain as proposed S416.016
17.	Energy, Infrastructure and Transport Policies	I-P4	Support	KiwiRail supports the policy which sets out a range of quality of life and economic benefits from the provision of infrastructure.	Retain as proposed S416.017
18.	Energy, Infrastructure and Transport Policies	I-P7	Seek amendment	<p>The policy is generally supported as it recognizes both reverse sensitivity effects, and the need to protect Regionally Significant Infrastructure with design and/or acoustic standards. The Plan recognizes that airport and road noise effects require management but omits to include railway noise and vibration, which requires a similar policy and rule regime to manage effects effectively.</p> <p>The policy should encourage the management of the rail/development interface. Other submissions seek to add a building or accessway setbacks and an acoustic/vibration standard. While the definition of noise includes vibration, it is highlighted here to support the specific rail vibration standard. Vibration from rail corridors can potentially give rise to adverse health and amenity effects on noise (and vibration) sensitive activities located nearby if not properly addressed and provided for. 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>Rail activities not only generate noise, but also vibration effects. KiwiRail seek amendment to required acoustic and vibration treatment for sensitive activities within identified corridors adjacent to the railway networks to ensure an appropriate level of internal amenity is achieved in buildings adjacent to the rail corridor.</p>	<p>Seek amendment as follows:</p> <p>1. Add new criteria: <u>(x) locating and/or designing noise and vibration sensitive activities to avoid potential reverse sensitivity effects on railway corridors</u></p> <p>AND</p> <p>2. Add new criteria: <u>(y) managing new noise and vibration sensitive activities adjacent to railways to protect people's health and residential amenity while they are indoors</u></p> <p>AND Amend proposed (g) as follows. <i>(g) managing other activities, through set-backs and design controls where necessary, to achieve appropriate protection of local, regional and nationally significant infrastructure.</i></p> <p>Or any such alternative relief to ensure that the rail related elements are appropriately addressed.</p> <p>S416.018</p>

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				Clause 'g' is supported with the proposed amendment as it supports the plans approach to actively managing the effects of adjacent development on infrastructure.	
19.	Energy, Infrastructure and Transport Policies	I – P8	Support	The policy supports activities which maintain the resilience of the rail network, which is regionally significant infrastructure, and is therefore supported.	Retain as proposed S416.019
19.	Energy, Infrastructure and Transport Policies	I-P12	Support	KiwiRail support policy that recognises the benefits that new technologies can bring to rail in terms of efficiency of the operation and safety and resilience of the network.	Retain as proposed S416.020
20.	Infrastructure rules	I-R1	Support	KiwiRail support the permitted activity status of the operation, maintenance, repair, and removal of existing rail infrastructure subject to standards.	Retain as proposed S416.021
21.	Infrastructure rules	I-R2	Support	KiwiRail support the ability to install new, and upgrade existing underground infrastructure as a permitted activity, subject to standards.	Retain as proposed S416.022
22.	Infrastructure rules	I-R3	Support	KiwiRail support the ability to upgrade existing infrastructure as a permitted activity, subject to standards.	Retain as proposed S416.023
23.	Energy, Infrastructure and Transport Transport Objectives	TRAN 01 Regionally significant infrastructure	Support	KiwiRail supports the objective in that the rail network, as a transport network is regionally significant infrastructure and supports community welfare.	Retain as proposed S416.024
24.	Energy, Infrastructure and Transport Transport Objectives	TRAN 03	Support	The objective supports the safe and efficient operation of the rail transport network through ensuring development at its interface is appropriately managed.	Retain as proposed S416.025
25.	Energy, Infrastructure and Transport Transport Policy	TRAN – P1	Support	KiwiRail supports policy recognition for the positive benefits provided by new transport networks/infrastructure.	Retain as proposed S416.026
26.	Energy, Infrastructure and Transport Transport Policy	TRAN P3 (a)	Seek amendment	Largely support the Policy but needs to be amended to provide for level crossing accessway setbacks and sightline controls. Sub clauses (f) and (g) are particularly supported.	Amend TRAN – P3 (a) as follows: <i>Ensure the safe, efficient and well-connected operation of the transport network through the management of:</i> <i>the subdivision layout, location of buildings, structures and other potential visual obstructions that may impact on sightlines and the integrity of the road carriageway and railway lines</i> S416.027
27.	Energy, Infrastructure and Transport Transport Rules	Rules add new Transport rule applying to all zones	Seek amendment	KiwiRail supports provisions that retain visibility of trains at level crossings for road user safety. KiwiRail seeks 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. The location of vehicle crossings in relation to level crossings is a matter KiwiRail seek to manage, particularly as this can help to address stacking issues and conflict between vehicles waiting to enter/exit a property and those waiting to cross a level	Add new Rules for Permitted and RDA status; 1. <u>All zones TRAN 'X' Permitted</u> <u>All new vehicle access points, on roads that cross a railway crossing shall be located a minimum of 30m from a railway level crossing. The 30m shall be measured from the edge of the closest rail track to the edge of seal on the proposed vehicle access point</u> AND

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				<p>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>It is noted that some district plans locate setbacks from level crossings and level crossing sightline restriction, in the infrastructure section. In this case standards relating to accessway location and sightlines for level crossings are proposed to be added to the 'Transport' section as this is where most transport safety diagrams are located and there is some logic to having the rail related safety controls located here also. If more appropriate, KiwiRail would accept the standard located in the infrastructure section with a cross reference to 'Transport'.</p>	<p>2. Add new RDA rule where compliance not achieved</p> <p>All zones TRAN 'XX' Activity status: Restricted discretionary Matters of discretion are restricted to: 1. The extent to which the safety and efficiency of railway and road operations will be adversely affected. 2. The outcome of any consultation with KiwiRail. 3. Any characteristics of the proposed use that will make compliance unnecessary.</p> <p>Notification: Application for resource consent under this rule will be decided without public notification. KiwiRail is likely to be the only affected person determined in accordance with section 95B of the Resource Management Act 1991.</p> <p style="text-align: right;">S416.028</p>
28.	Energy, Infrastructure and Transport Rules	Transport Rules	Seek amendment	<p>Public safety at level crossings is a key concern for KiwiRail and protection of sightlines is a key means of ensuring this.</p> <p>The inclusion of a standard to ensure sightlines are not compromised will support achieving TRAN-01 and TRAN - 03 seeking to protect Regionally Significant Infrastructure, along with other Policy direction such as SIGN-P4 which specifically references signage avoiding sightlines.</p> <p>Compliance with the Standard would provide for the development as a permitted activity, with non-compliance requiring a Restricted Discretionary Activity consent, with discretion restricted to the aspects provided in TR-P3. These relate to safe and efficient use of the site and functioning of the transport network which in particular is relevant to the matters the rule is seeking to address.</p> <p>While KiwiRail does not support the creation of new level crossings without a higher level of safety protection (lights/barriers) over the expected life of the District Plan the potential for Stop or Give Way Controlled level crossings being established cannot be eliminated. This Standard would therefore provide protection for these sightlines.</p> <p>It should be noted that the restart triangle applies at all level crossings, which includes those controlled with barrier arms and signals.</p> <p>This standard could equally be located in Infrastructure section however the Transport Section contains most standards for vehicle safety. Adding the standard to the Transport section ensures that it is clear it applies to all activities Plan wide.</p>	<p>Add new rules:</p> <p>Sight lines at railway level crossings All zones 1. Activity status: Permitted where compliance is achieved with railway level crossing sight line standard 'YY'.</p> <p>All zones 2. Activity status: Restricted discretionary where compliance is not achieved with standard Matters of discretion are restricted to: (i) The extent to which the safety and efficiency of railway and road operations will be adversely affected. (ii) Any characteristics of the proposed use that will make compliance unnecessary (ii) Any implications arising from advice from KiwiRail</p> <p>TRAN STANDARD YY: Level Crossing Sight Triangles Approach sight triangles at level crossings with Stop or Give Way signs Buildings, structures, planting or other visual obstructions must not be located within the restart or approach sightline areas of railway level crossings as shown in the shaded areas of Figure 1: Restart Sightlines and Figure 2 --: Approach Sightlines below.</p>  <p>Figure 1: Approach Sight Triangles for Level Crossings with "Stop" or "Give Way" Signs</p>

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				designed and mitigated. A small amendment to the clause is proposed to clarify this,																										
35.	General District-Wide Matters Temporary activities Rules	Temporary activities	Seek amendment	KiwiRail is concerned that the Plan appears to limit the establishment of temporary works sites which may be adjacent to transport or other infrastructure, but which may be required to be in place for some months to carry out the work are precluded under Rule TA-R3. 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 infrastructure works. Appropriate transport approvals (TA-S1) manage traffic effects.	Amend PER-1 as follows; <i>The temporary building or structure is located on the same or an adjacent site as the associated construction work or demolition.</i> S416.036																									
36.	General District-Wide Matters Noise Objectives	Objectives NOISE-O2	Support	Specific recognition of the need to manage the effects of noise particularly through the design and placement of noise sensitive activities is supported.	Retain as proposed. S416.037																									
37.	General District-Wide Matters Noise Policy	New noise Policy	Seek amendment	The proposed Plan policies are supported but don't specifically cover railway corridor noise in all zones where rail is located in the district and a new policy is provided.	Add a new policy P'4' as follows; <u>Ensure buildings for noise sensitive activities near railway corridors are designed and constructed to minimise the level of noise received within buildings.</u> S416.038																									
38.	General District-Wide Matters Noise	Rule Notes (4)	Support	KiwiRail support the clarification provided under point 4 in the introduction that trains on rail lines and crossing bells, including at railway yards, railway sidings or stations are exempt from the noise standards within this chapter.	Retain as proposed S416.039																									
39.	General District-Wide Matters Noise	NOISE-R2	Support	KiwiRail support that where mitigation is provided new buildings, alterations and/or additions to an existing building for a noise sensitive activity is a permitted activity. The rule refers to Noise-S5 Noise insulation to which KiwiRail seeks to add a new railway standard.	Retain as proposed. S416.040																									
40.	District-Wide Matters Noise	Noise Standard S5	Seek amendment	<p>KiwiRail seeks the inclusion of noise and vibration controls requiring acoustic insulation and ventilation to be installed in new (or altered) sensitive uses within 100m of the railway corridor. Noise and Vibration from rail corridors can potentially give rise to adverse health and amenity effects on noise sensitive activities located nearby if not properly addressed and provided for. The proposed standard provides 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. Rail activities not only generate noise, but also vibration effects. KiwiRail seek amendment to require acoustic and vibration treatment for sensitive activities within identified corridors adjacent to the railway networks to ensure an appropriate level of internal amenity is achieved in buildings adjacent to the rail corridor. The proposed standard includes the requirement for feedback form KiwiRail. As the railway and network utility operator, KiwiRail's feedback about any effects of non-compliance is required to ensure that any proposed mitigation is appropriate.</p> <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</p>	<p>Add the following to Noise Standard S5 applying to all zones – at any point within 100 metres from the legal boundary of any railway network</p> <table border="1"> <tr> <td colspan="3"><u>Activity status: Permitted</u></td> </tr> <tr> <td colspan="3"><u>Indoor railway noise</u></td> </tr> <tr> <td colspan="3"><u>1. Any new building or alteration to an existing building that contains an activity sensitive to noise where the building or alteration:</u></td> </tr> <tr> <td colspan="3"><u>(a) is designed, constructed and maintained to achieve indoor design noise levels resulting from the railway not exceeding the maximum values in the following table: or</u></td> </tr> <tr> <td><u>Building type</u></td> <td><u>Occupancy/activity</u></td> <td><u>Maximum railway noise level LAeq(1h)</u></td> </tr> <tr> <td rowspan="2"><u>Residential</u></td> <td><u>Sleeping spaces</u></td> <td><u>35 dB</u></td> </tr> <tr> <td><u>All other habitable rooms</u></td> <td><u>40 dB</u></td> </tr> <tr> <td rowspan="2"><u>Education</u></td> <td><u>Lecture rooms/theatres, music studios, assembly halls</u></td> <td><u>35 dB</u></td> </tr> <tr> <td><u>Teaching areas, conference rooms,</u></td> <td><u>40 dB</u></td> </tr> </table> <p><u>Activity status when compliance not achieved: Restricted discretionary</u> <u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <u>Whether the activity sensitive to noise could be located further from the railway network.</u> <u>The extent to which the noise and vibration criteria are achieved and the effects of any non-compliance.</u> <u>The character of, and degree of, amenity provided by the existing environment and proposed activity.</u> <u>The reverse sensitivity effects on the rail network, and the extent to which mitigation measures can enable their ongoing operation, maintenance and upgrade.</u> <u>Special topographical, building features or ground conditions which will mitigate vibration impacts;</u> <u>The outcome of any consultation with KiwiRail.</u> <p><u>Notification:</u></p>	<u>Activity status: Permitted</u>			<u>Indoor railway noise</u>			<u>1. Any new building or alteration to an existing building that contains an activity sensitive to noise where the building or alteration:</u>			<u>(a) is designed, constructed and maintained to achieve indoor design noise levels resulting from the railway not exceeding the maximum values in the following table: or</u>			<u>Building type</u>	<u>Occupancy/activity</u>	<u>Maximum railway noise level LAeq(1h)</u>	<u>Residential</u>	<u>Sleeping spaces</u>	<u>35 dB</u>	<u>All other habitable rooms</u>	<u>40 dB</u>	<u>Education</u>	<u>Lecture rooms/theatres, music studios, assembly halls</u>	<u>35 dB</u>	<u>Teaching areas, conference rooms,</u>	<u>40 dB</u>
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				environment for people locating within proximity to the railway corridor, minimising the potential for complaints about the effects of the railway network.	<table border="1" data-bbox="1771 245 2383 585"> <tr> <td></td> <td><u>drama studios, sleeping areas</u></td> <td></td> </tr> <tr> <td></td> <td><u>Libraries</u></td> <td><u>45 dB</u></td> </tr> <tr> <td><u>Health</u></td> <td><u>Overnight medical care, wards</u></td> <td><u>40 dB</u></td> </tr> <tr> <td></td> <td><u>Clinics, consulting rooms, theatres, nurses' stations</u></td> <td><u>45 dB</u></td> </tr> <tr> <td><u>Cultural</u></td> <td><u>Places of worship, marae</u></td> <td><u>35 dB</u></td> </tr> </table> <p data-bbox="2407 245 2929 396"><u>Application for resource consent under this rule will be decided without public notification. KiwiRail are likely to be the only affected person determined in accordance with section 95B of the Resource Management Act 1991.</u></p> <p data-bbox="1771 621 2383 737"><u>(b) is at least 50 metres from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to all points 3.8 metres above railway tracks, or</u></p> <p data-bbox="1771 743 2383 831"><u>(c) is a single-storey framed residential building with habitable rooms designed, constructed and maintained in accordance with the construction schedule in Schedule 'Z'.</u></p> <p data-bbox="1771 867 2021 890"><u>Mechanical ventilation</u></p> <p data-bbox="1771 896 2383 1012"><u>2. If a building is constructed in accordance with 1(c), or if windows must be closed to achieve the design noise levels in clause 1(a), the building is designed, constructed and maintained with a mechanical ventilation system that</u></p> <p data-bbox="1771 1018 2341 1073"><u>(a) For habitable rooms for a residential activity, achieves the following requirements:</u></p> <p data-bbox="1771 1079 2383 1134"><u>i. provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and</u></p> <p data-bbox="1771 1140 2383 1228"><u>ii. is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and</u></p> <p data-bbox="1771 1234 2383 1289"><u>iii. provides relief for equivalent volumes of spill air;</u></p> <p data-bbox="1771 1295 2383 1350"><u>iv. provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and</u></p> <p data-bbox="1771 1356 2383 1411"><u>v. does not generate more than 35 dB LAeq(30s) when measured 1 metre away from any grille or diffuser.</u></p> <p data-bbox="1771 1417 2383 1472"><u>(b) For other spaces, is as determined by a suitably qualified and experienced person.</u></p> <p data-bbox="1771 1507 2030 1530"><u>Indoor railway vibration</u></p> <p data-bbox="1771 1537 2383 1625"><u>3. 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></p> <p data-bbox="1771 1631 2383 1686"><u>(a) is designed, constructed and maintained to achieve rail vibration levels not exceeding 0.3 mm/s vw,95 or</u></p> <p data-bbox="1771 1692 2383 1892"><u>(b) is a single storey framed residential building with:</u></p> <p data-bbox="1893 1719 2383 1892"><u>i. 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></p>		<u>drama studios, sleeping areas</u>			<u>Libraries</u>	<u>45 dB</u>	<u>Health</u>	<u>Overnight medical care, wards</u>	<u>40 dB</u>		<u>Clinics, consulting rooms, theatres, nurses' stations</u>	<u>45 dB</u>	<u>Cultural</u>	<u>Places of worship, marae</u>	<u>35 dB</u>
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					<p>ii. <u>vibration isolation separating the sides of the floor slab from the ground; and</u></p> <p>iii. <u>no rigid connections between the building and the ground.</u></p> <p>4. <u>A report is submitted to the council demonstrating compliance with clauses (1) to (3) above (as relevant) prior to the construction or alteration of any building containing an activity sensitive to noise. In the design:</u></p> <p><u>(a) railway noise is assumed to be 70 L_{Aeq(1h)} 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>Where the activity complies with the following rule requirements:</u></p> <p><u>Nil</u></p> <p>Schedule 'Z' Construction schedule for indoor noise control</p> <table border="1"> <thead> <tr> <th data-bbox="1765 884 1991 905">Elements</th> <th data-bbox="1991 884 2929 940">Minimum construction for noise control in addition to the requirements of the New Zealand Building Code</th> </tr> </thead> <tbody> <tr> <td data-bbox="1765 947 1991 968">External walls</td> <td data-bbox="1991 947 2929 1310"> <u>Wall cavity infill of fibrous insulation, batts or similar (minimum density of 9 kg/m³)</u> <u>Cladding and internal wall lining complying with either Options A, B or C below:</u> <table border="0"> <tr> <td data-bbox="1991 1010 2448 1129"><u>Option A - Light cladding: timber weatherboard or sheet materials with surface mass between 8 kg/m² and 30 kg/m² of wall cladding</u></td> <td data-bbox="2448 1010 2929 1129"><u>Internal lining of minimum 17 kg/m² plasterboard, such as two layers of 10 mm thick high-density plasterboard, on resilient/isolating mountings</u></td> </tr> <tr> <td data-bbox="1991 1136 2448 1213"><u>Option B - Medium cladding: surface mass between 30 kg/m² and 80 kg/m² of wall cladding</u></td> <td data-bbox="2448 1136 2929 1213"><u>Internal lining of minimum 17 kg/m² plasterboard, such as two layers of 10 mm thick high-density plasterboard</u></td> </tr> <tr> <td data-bbox="1991 1220 2448 1310"><u>Option C - Heavy cladding: surface mass between 80 kg/m² and 220 kg/m² of wall cladding</u></td> <td data-bbox="2448 1220 2929 1310"><u>No requirements additional to New Zealand Building Code</u></td> </tr> </table> </td> </tr> <tr> <td data-bbox="1765 1316 1991 1337">Roof/ceiling</td> <td data-bbox="1991 1316 2929 1717"> <u>Ceiling cavity infill of fibrous insulation, batts or similar (minimum density of 7 kg/m³)</u> <u>Ceiling penetrations, such as for recessed lighting or ventilation, shall not allow additional noise break-in</u> <u>Roof type and internal ceiling lining complying with either Options A, B or C below:</u> <table border="0"> <tr> <td data-bbox="1991 1442 2448 1520"><u>Option A - Skillion roof with light cladding: surface mass up to 20 kg/m² of roof cladding</u></td> <td data-bbox="2448 1442 2929 1520"><u>Internal lining of minimum 25 kg/m² plasterboard, such as two layers of 13 mm thick high-density plasterboard</u></td> </tr> <tr> <td data-bbox="1991 1526 2448 1604"><u>Option B - Pitched roof with light cladding: surface mass up to 20 kg/m² of roof cladding</u></td> <td data-bbox="2448 1526 2929 1604"><u>Internal lining of minimum 17 kg/m² plasterboard, such as two layers of 10 mm thick high-density plasterboard</u></td> </tr> <tr> <td data-bbox="1991 1610 2448 1717"><u>Option C - Roof with heavy cladding: surface mass between 20 kg/m² and 60 kg/m² of roof cladding</u></td> <td data-bbox="2448 1610 2929 1717"><u>No requirements additional to New Zealand Building Code</u></td> </tr> </table> </td> </tr> <tr> <td data-bbox="1765 1724 1991 1745">Glazed areas</td> <td data-bbox="1991 1724 2929 1934"> <u>Aluminium frames with full compression seals on opening panes</u> <u>Glazed areas shall be less than 35% of each room floor area</u> <u>Either, double-glazing with:</u> <ul style="list-style-type: none"> • <u>a laminated pane of glass at least 6 mm thick; 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					<p><i>Exterior doors</i> <u>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</u> <u>Solid core exterior door, minimum surface mass 24 kg/m², with edge and threshold compression seals; or other doorset with minimum performance of Rw 30 dB</u></p> <p><u>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</u> <u>Exterior door with edge and threshold compression seals</u></p> <p style="text-align: right;">S416.041</p>
41.	General District-Wide Matters Signs	SIGN - 02	Seek amendment	The objective requires amendment to make it clear that some signs are broadly acceptable where designed to avoid impacts on the safe operation of transport networks.	Amend Objective Sign -02 as follows: Enable signs that promote health and safety and do not adversely affect infrastructure, particularly the transport network. S416.042
42.	General District-Wide Matters Signs	SIGN-P1	Support	KiwiRail supports this policy which addresses adverse effects on the operation of transport networks.	Retain as proposed S416.043
43.	General District-Wide Matters	SIGN-P3	Seek amendment	KiwiRail seeks that signage within level crossing sightlines is appropriately and carefully managed to avoid safety issues arising at level crossings.	Amend as follows: <i>Ensure that signs do not compromise the safe and efficient use of the transport network by managing:</i> <ul style="list-style-type: none"> a. the type, scale, design, location and direction of signs having regard to the road type and speed environment; b. distraction or confusion for users through the control of proliferation, illumination, flashing and moving images and digital signage; c. any obstruction caused by signs projecting over the road boundary or within level crossing sightlines S416.044
44.	General District-Wide Matters Signs	SIGN-P4 use of signs for health and safety	Support	KiwiRail support the recognition of the need for appropriate wayfaring and safety signs.	Retain as proposed S416.045
Part 3 Area Specific Matters					
45.	Area specific matters Zones Policy Various zones	Policies listed below GRZ – P8 RPR0Z-P7 RRZ-P5 RLZ-P4 MUZ-P8 LIZ-P6 HIZ-P7 NOSZ-P4 OSZ-P4 SARZ-P4 MPZ-P4	Seek amendment	Policies in each zone provide for managing land use and subdivision to address the effects of the activity at zone interfaces by requiring the provision of 'setbacks, fencing, screening or landscaping required to address potential conflicts'. KiwiRail seeks an amendment to provide for the consideration of setbacks to the railway corridor or transport network, thus supporting safety and the railway setback rule sought.	Amend policies GRZ-P8, RPR0Z-P7, RRZ-P5, RLZ-P4, MUZ-P8, LIZ-P6, HIZ-P7, NOSZ-P4, OSZ-P4, SARZ-P4, MPZ-P4 by adding further matter; <u>'x' the location and design of buildings adjacent to the railway corridor</u> S416.046 to S416.056
46.	Area specific matters Zones	All zones <u>Residential</u> General Residential GRZ-S3 <u>Rural:</u> Rural Production RPROZ-S3 Rural Lifestyle RLZ -S3 Rural Residential	Seek amendment	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. Parts of the KiwiRail network adjoin commercial, mixed use, industrial and open space zones. These zone chapters do not currently include provision for boundary setbacks for buildings and structures. KiwiRail seek a boundary setback of 5m from the rail corridor for all buildings and structures.	Add a railway setback in all plan zones in the setback standard for each zone <u>Residential</u> General Residential GRZ-S3 <u>Rural</u> Rural Production RPROZ-S3 Rural Lifestyle RLZ -S3 Rural Residential RRZ-S3 Settlement RSZ-S3 S416.057 to S416.68

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		RRZ-S3 Settlement RSZ-S3 <u>Commercial and mixed use</u> Mixed use MUZ-S3 <u>Industrial</u> Light industrial LIZ-S3 HIZ-S3 <u>Open space and recreation</u> Natural Open Space NOSZ-03 Open Space OSZ-S3 Sport and active recreation SARZ-S3 <u>Special purpose zones</u> Maori purpose zone MPZ-S3		<p>KiwiRail considers that a matter of discretion directing consideration of impacts on the safety and efficiency of the rail corridor is appropriate in situations where the 5m setback standard is not complied with in all zones adjacent to the railway corridor.</p> <p>Building setbacks are essential to address significant safety hazards associated with the operational rail corridor. The Proposed Plan enables a 1m setback from side and rear boundaries shared with the rail corridor, increasing the risk that poles, ladders, or even ropes for abseiling equipment, could protrude into the rail corridor and increasing the risk of collision with a train or electrified overhead lines. Further, there is a 600mm eave allowance within side and rear yards which restricts potential access to roofs from of buildings even further and results in an effective yard setback of 400mm.</p> <p>KiwiRail consider that a 5m setback is appropriate in providing for vehicular access to the rear of buildings (e.g. a cherry picker) and allowing for scaffolding to be erected safely. This setback provides for the unhindered operation of buildings, including higher rise structures and for the safer use of outdoor deck areas at height. This in turn fosters visual amenity, as lineside properties can be regularly maintained.</p> <p>One option is a cross-reference between the standards of each zone to avoid repetition, or to create a standard rail corridor setback rule and replicate it in each zone.</p> <p>The provision of a setback can ensure that all buildings on a site can be accessed and maintained for the life of that structure, without the requirement to gain access to rail land, including by aspects such as ladders, poles or abseil ropes. This ensures that a safe amenity is provided on the adjacent sites for the occupants, in line with delivery policy direction such as GRZ-O2, clause 4 whereby safety is a specific objective for achieving zone appropriate character and amenity values. It is noted that some zones (Heavy Industrial, Rural production)) have wider yards than sought by KiwiRail. This is supported, but the yard purpose is not linked to safety matters relating to a site's proximity to the railway and therefore any applications for reductions may not consider this requirement.</p>	<p><u>Commercial and mixed use</u> Mixed use MUZ-S3</p> <p><u>Industrial</u> Light industrial LIZ-S3 Heavy Industrial HIZ-S3</p> <p><u>Open space and recreation</u> Natural Open Space NOSZ-03 Open Space OSZ-S3 Sport and active recreation SARZ-S3</p> <p>Special purpose zones – all located adjacent to rail</p> <p>Two examples are given below for the type of amendment sought:</p> <p>Example 1: GRZ-S3 (General residential)</p> <p><i>The building or structure, or extension or alteration to an existing building or structure must be set back at least 1.2m from all site boundaries..... except that the setback must be at least;</i></p> <p>(i) 3m measured from a road boundary or</p> <p>(ii) <u>5m from a railway corridor boundary.</u></p> <p>Example 2: RRZ-S3 Rural Residential</p> <p><i>The building or structure, or extension or alteration to an existing building or structure must be setback at least 3m from all site boundaries, except:</i></p> <p><i>no building is erected within 12m of any road boundary with Kerikeri Road on properties with a road frontage with Kerikeri Road between its intersection with SH10 and Cannon Drive; minimum building setback from the boundary of any Rural Production zone is at least 10m, and from any boundary with the mineral extraction overlay the setback is at least 20m</i></p> <p><u>adjacent to a railway corridor boundary 5m</u></p> <p>As applicable, KiwiRail requests the following matters of discretion be inserted into each zone;</p> <p><u>the location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor</u> and <u>the safe and efficient operation of the rail network</u></p>
47.	Part 3 Area specific matters Designations	KRH-X and Y Rail designations	Support	KiwiRail note that its designations for the North Auckland Line and the Okaihau Branch are included in the Schedule in Part 3 and this is supported. KiwiRail support the KRH – KiwiRail Holdings Limited designations text which accurately specify 'railway purposes' as the designation purpose.	Retain as proposed S416.069
Maps					
48.	All maps containing railway designation	Designated railway corridor	Seek amendment	This submission seeks to join up the railway designation in the GIS designation layer on the maps at several roads and structures over streams within the district. Most 'gap' errors occur in the northern section of the railway corridor, with few, if any, on the NAL south of Otiria. KiwiRail will provide an amended shapefile.	Correct map errors and omissions for KiwiRail designations by joining layer so it forms one continuous network designation. Some specific examples are provided in Appendix 1 however there may be more locations than shown therefore this submission seeks a general relief to correct the FNDC KHLGIS shapefile layer where there are 'gaps' at roads and rivers on the planning maps. S416.070

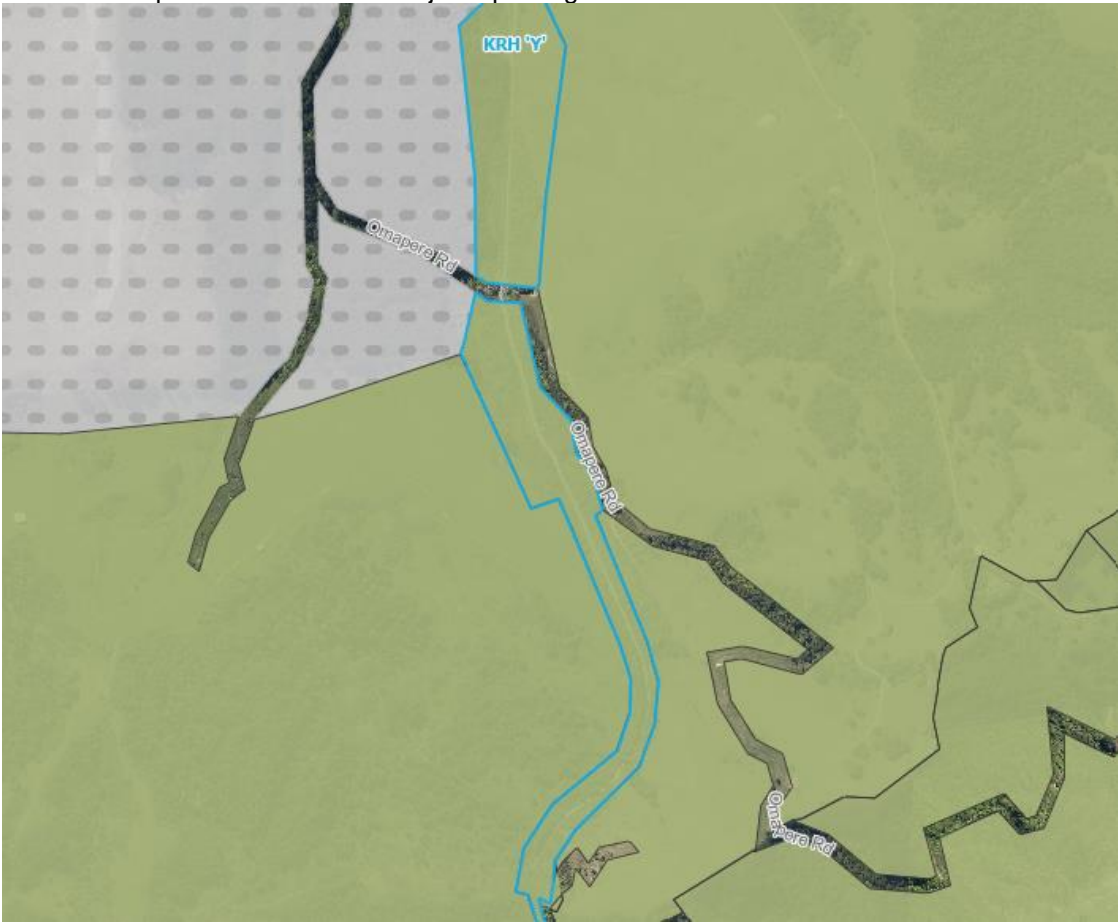
Submission Number	Section of Plan	Specific Provision	Support / Oppose / Seek Amendment	Reasons for Submission	Relief Sought (as stated or similar to achieve the requested relief)
49.	All maps containing railway designation	Designated railway corridor	Seek amendment	The objectives identifying Outstanding Natural Features and Landscapes and Outstanding Natural Character is to ensure that these landscapes and their attributes are recognised and protected from inappropriate subdivision, use and development. The benefits of infrastructure are provided irrespective of location. The Plan also recognises the functional need for infrastructure to be located within these areas, and that designated land transport corridors are generally highly modified areas.	<p>Amend the Proposed District Plan Maps to remove any overlays for;</p> <ul style="list-style-type: none"> • Outstanding Natural Features and Outstanding Natural Landscapes • Outstanding Natural Character <p>On KiwiRail's designations (as listed under "KRH KiwiRail Holdings Limited" in Part 3 Area specific matters 'Designations').</p> <p style="text-align: right; color: red;">S416.071</p>

Appendix 1
Example locations KRH designation requires amendment.

- 1. Lake Road south of Okaihau – amend to join up designation across roads

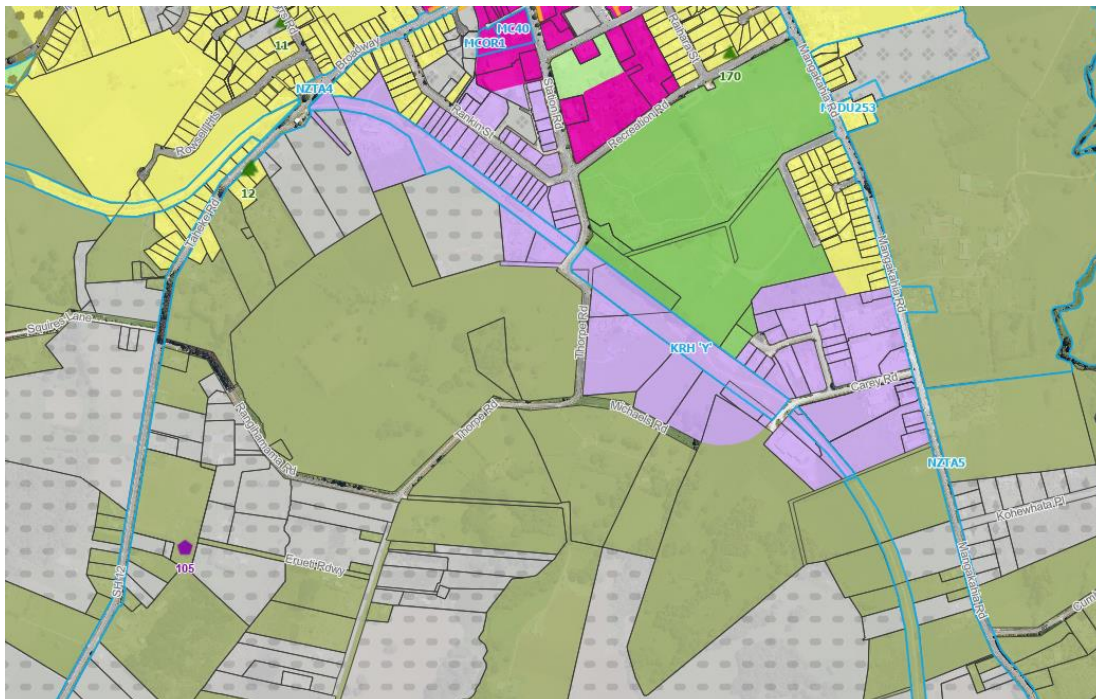


- 2. Omapere Road – amend to join up designation across roads



Appendix 1
Example locations KRH designation requires amendment.

3. Taheke, Station and Carey Road in Kaikohe – amend to join up designation across roads



4. Mangakahia Road and track near Ngapiito Road – amend to join up designation across roads



5. Ngapipito Road north - amend to join up designation across road



6. Ngapipito Road (east) - amend to join up designation across road



7. Wahamiti Lane Otiria - amend to join up designation across road



8. Lucas, Station, Sales and Stringers Road Moerewa - amend to join up designation across road

