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Planning Policy Team
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SUBMISSION ON PROPOSED TIMARU DISTRICT PLAN – HE PO. HE AO. KA AWATEA

NAME OF SUBMITTER: KiwiRail Holdings Limited (KiwiRail)

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KiwiRail submission on Proposed Timaru District Plan – He Po. He Ao. Ka Awatea

KiwiRail Holdings Limited (KiwiRail) is the State-Owned Enterprise responsible for the construction, maintenance, 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 is also the Requiring Authority for land designated for 'Railway Purposes' (or similar) 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 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.

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.

¹

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



The Main South Line (MSL) extends through the Timaru district. The MSL forms a key part of the KiwiRail network nationally. KiwiRail seeks to protect its ability to operate, maintain and upgrade these assets into the future.

To achieve this, KiwiRail encourages land uses near the railway corridor that do not compromise the short or long-term ability to operate a safe and efficient rail network, both day and night. Where sensitive activities are proposed on land near the railway corridors, appropriate controls should be imposed to ensure the long-term amenity of sensitive uses. 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 Timaru District Plan – He Po. He Ao. Ka Awatea (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, while any recommended deletions of text are shown in *italics* and ~~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 is available to meet with the Council to discuss any elements of the comments provided within this table, to provide any clarification that may assist in decisions on the changes requested.

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.

Regards,



Sheena McGuire
RMA Advisor
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	Land Transport Infrastructure	Support	The definition is supported by Kiwirail; as it means any infrastructure, 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.	Retain as proposed
3.	Definitions	Maintenance	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
4.	Definitions	Network Utility	Support	This definition is supported as it applies to a project, work, system or structure that is a network utility operation undertaken by a network utility operator.	Retain as proposed
5.	Definitions	Network Utility Operator	Support	KiwiRail supports the use of the RMA meaning of Network Utility Operator, which includes railway activities. This approach supports the integrated management and provision of key infrastructure.	Retain as proposed
6.	Definitions	Noise Sensitive Activity	Seek amendment	KiwiRail seeks amendment to the definition of Noise Sensitive Activity to list all noise sensitive activities to assist with clear interpretation of the Proposed Plan.	Insert as follows: Noise sensitive activity means any lawfully established: a. residential activity, including activity in visitor accommodation or retirement accommodation, including boarding houses, residential visitor accommodation and papakāinga; b. educational activity; c. health care activity, including hospitals; d. congregation within any place of worship; and e. activity at a marae. a. Residential activities; b. Visitor accommodation; c. Educational facility; d. Healthcare activities; and e. Marae (building only).
7.	Definitions	Operational Need	Support	KiwiRail supports the inclusion of this definition in the Proposed Plan.	Retain as proposed
8.	Definitions	Public Transport	Support	KiwiRail support that the definition of Public Transport includes rail vehicle as a service for the carriage of passengers for hire or reward, and that includes a public transport interchange, park and ride facilities, drop-off and pick-up points, cycle parking, shelters, waiting rooms, and ticket office.	Retain as proposed
9.	Definitions	Railway Line	Support in part	KiwiRail supports use of the definition provided in Section 4 of the Railways Act 2005. However, KiwiRail notes that definition this does not cover the rail corridor which includes the railway line and adjoining land that is designated in the plan and used for railway purposes.	Retain as proposed noting the scope of the definition doesn't include all aspects of the rail corridor.
10.	Definitions	Regionally Significant Infrastructure	Support	Kiwirail support that regionally significant infrastructure includes the strategic land transport network.	Retain as proposed
11.	Definitions	Repair	Support	KiwiRail supports the inclusion of this definition in the Proposed Plan.	Retain as proposed
12.	Definitions	Replacement	Support	KiwiRail supports the inclusion of this definition in the Proposed Plan.	Retain as proposed
13.	Definitions	Reverse Sensitivity	Support	KiwiRail supports the definition of reverse sensitivity subject to amendment. KiwiRail seeks amendment to recognise that in the context of rail, activities are more than operation of the railway and the definition also needs to encompass development, upgrading and ongoing maintenance of the rail network including rail yards. It is appropriate to recognise the vulnerability of existing, lawfully established activities such as the rail network to other activities in the vicinity which may be sensitive to adverse environmental effects.	Amend as follows: Reverse sensitivity means the potential for the development, upgrading, operation and maintenance of an approved, existing or permitted 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 adverse environmental effects generated by an approved, existing or permitted activity.
14.	Definitions	Sensitive Activity	Seek amendment	KiwiRail supports the listed activities within this definition, however, also considers that the list should be expanded to capture all sensitive activities.	Amend as follows: Sensitive activity means any: a. residential activities; b. education facilities and preschools; c. guest and visitor accommodation; d. retirement home;

					<p>e. healthcare facilities which include accommodation for overnight care;</p> <p>f. hospitals;</p> <p>g. community facility;</p> <p>h. marae (building only) and papakāinga; or</p> <p>i. place of assembly-worship.</p>
15.	Definitions	Upgrading/Upgrade	Support	The specific ability to replace, renew or improve existing infrastructure resulting in an increase in carrying capacity as upgrading, is supported.	Retain as proposed
Part 2 – District-wide matters					
16.	Strategic Direction	SD-O8 Infrastructure	Seek amendment	KiwiRail seeks an additional clause to provide for the protection of 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. KiwiRail seeks amendment to protect infrastructure from adverse effects in this strategic direction.	<p>Across the District:</p> <p>i. improved accessibility and multimodal connectivity is provided through a safe and efficient transportation network that is able to adapt to technological changes;</p> <p>ii. the provision of new network infrastructure is integrated and co-ordinated with the nature, timing and sequencing of new development;</p> <p>iii. drinking water supplies are protected from the adverse effects of subdivision, use and development;</p> <p>iv. the benefits of regionally significant infrastructure and lifeline utilities are recognised and their safe, efficient and effective establishment, operation, maintenance, renewal and upgrading and development is enabled while managing adverse effects appropriately.</p> <p>v. avoid, remedy or mitigate adverse effects, including reverse sensitivity effects, of subdivision, land use and development on regionally significant infrastructure.</p>
17.	Strategic Direction	UFD-O1 Settlement Patterns	Support	KiwiRail supports clause x. of this strategic direction 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 MSL. KiwiRail supports strategic direction to minimise and avoid these effects.	Retain as proposed
18.	Energy, Infrastructure	EI-O1 Regionally Significant Infrastructure	Support	KiwiRail supports the objective for effective, resilient, efficient and safe regionally significant infrastructure that enables people and communities to provide for their health, safety and wellbeing. This objective is appropriate to recognise that providing for the health and well-being of our communities relies on having appropriate planning provisions in place, such as controls on development near the rail corridor and other regionally significant infrastructure.	Retain as proposed
19.	Energy, Infrastructure	EI-O2 Adverse effects of Regionally Significant Infrastructure	Support	KiwiRail supports recognition of the functional or operational need for infrastructure to, in some instances, be located in sensitive environments. In these cases, KiwiRail supports that adverse effects must be remedied or mitigated.	Retain as proposed
20.	Energy, Infrastructure	EI-O4 Adverse effects on Regionally Significant Infrastructure and Lifeline Utilities	Support	KiwiRail strongly supports this objective to protect the efficient operation, maintenance, repair, upgrading or development of Regionally Significant Infrastructure. The rail corridor is vulnerable to adverse effects, including reverse sensitivity effects, when incompatible land uses are located near the rail corridor without appropriate development controls are in place. KiwiRail supports this objective as notified.	Retain as proposed
21.	Energy, Infrastructure	EI-P1 Recognising the benefits of Regionally Significant Infrastructure and Lifeline Utilities	Support	Recognition of the benefits of regionally significant infrastructure and the functional and operational needs of infrastructure in policy is supported by KiwiRail. The enabling of the operation, maintenance, repair, upgrade and development of the railway is crucial to ensure the safety and efficiency of the South Island rail network is maintained.	Retain as proposed
22.	Energy, Infrastructure	EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure	Seek amendment	KiwiRail supports the management of adverse effects of infrastructure while recognising the matters specified in clause 2. of this policy. The rail network is linear in nature and it is not always possible to avoid sensitive areas and internalise all adverse effects. KiwiRail seeks amendment to seek to 'avoid, remedy or mitigate effects' to recognise this.	<p>Amend as follows:</p> <p>1. Provide for Regionally Significant Infrastructure and other infrastructure where any adverse effects are appropriately managed by:</p> <p>a. seeking to avoid, remedy or mitigate adverse effects on the identified values and qualities of Outstanding Natural Landscapes and Outstanding Natural Features, Visual Amenity Landscapes, the Coastal Environment, Significant Natural</p>

					Areas, High Naturalness Waterbodies Areas, Sites of Significance to Māori, historic heritage, cultural, and archaeological areas, riparian margins and notable trees; and b. [...]
23.	Energy, Infrastructure	EI-P3 Adverse effects on Regionally Significant Infrastructure	Support	The policy seeks to ensure that incompatible activities are appropriately located or designed so they do not compromise the safe, effective and efficient operation, maintenance, repair, development or upgrading of the rail corridor, this is supported by KiwiRail.	Retain as proposed
24.	Energy, Infrastructure	EI-R1 Maintenance and repair, or removal of infrastructure	Seek amendment	KiwiRail supports the permitted activity status of the maintenance, repair or removal of infrastructure subject to a height standard. KiwiRail seeks broadening of this rule to also apply to the operation of infrastructure as a permitted activity.	Amend as follows: Maintenance, operation and repair, or removal of infrastructure not otherwise addressed by another rule in this chapter
25.	Energy, Infrastructure	EI-R4 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 height and proximity standards.	Retain as proposed
26.	Energy, Infrastructure	EI-R5 Vehicle access tracks for network utilities, including ancillary access tracks	Support	KiwiRail supports the permitted activity status of vehicle access tracks for network utilities subject to the track being unsealed and less than 6m in width. KiwiRail's rail 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.	Retain as proposed
27.	Energy, Infrastructure	EI-R7 Temporary network utilities, including generators	Support	KiwiRail supports the permitted activity status of temporary network utilities subject to standards.	Retain as proposed
28.	Energy, Infrastructure	EI-S1 Maximum structure height for network utility structures	Support	KiwiRail supports a higher height standard to the underlying zone.	Retain as proposed
29.	Energy, Infrastructure	EI-S2 Upgrading infrastructure	Support	KiwiRail accepts upgrading infrastructure must be within 5m of the existing alignment or location.	Retain as proposed
30.	Transport	TRAN-O1 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
31.	Transport	TRAN-O2 Transport related effects	Support	KiwiRail supports the use of 'avoid, remedy or mitigate' within this objective. The effects of rail infrastructure cannot always be avoided and recognition of this when assessing transport related effects is supported.	Retain as proposed
32.	Transport	TRAN-O3 Adverse effects on land transport infrastructure	Support	KiwiRail supports this policy which seeks to protect land transport infrastructure from incompatible activities.	Retain as proposed
33.	Transport	TRAN-P3 Existing land transport infrastructure	Seek amendment	Policy direction which enables the efficient use of existing land transport infrastructure is supported by KiwiRail. Minor amendment is sought to emphasise that the land transport network should not only be efficient, but also safe.	Amend as follows: Enable the safe and efficient use of existing land transport infrastructure by providing for its operation, maintenance and upgrading.
34.	Transport	TRAN-P4 New land transport infrastructure	Seek amendment	KiwiRail supports policy direction which allows for new land transport infrastructure within sensitive environments/overlays subject to protecting characteristics and values and meeting objectives of the overlay. However, KiwiRail seeks amendment to recognise that, in some instances, there may be a functional or operational need to locate rail infrastructure within a sensitive environmental or overlay. The rail network is linear and avoiding all sensitive areas and overlays is not always possible. The requirement to protect all identified characteristics and values of an overlay is a high threshold. KiwiRail seeks amendment to allow for new land transport infrastructure where there is a demonstrated need for it.	Amend as follows: Only allow new land transport infrastructure: 1. within sensitive environments / overlays, where it can be demonstrated that: a. the adverse effects on identified characteristics and values of the Overlay it is within are avoided, remedied or mitigated ; b. there is a functional or operational need for the land transport infrastructure to be located in the Overlay ; and c. the relevant objectives for the Overlay will be achieved; and 2. in other locations, where it is consistent with or will not compromise achieving the relevant objectives of the zone(s) it is or will be situated.
35.	Transport	TRAN-P6 Effects on land transport infrastructure	Seek amendment	KiwiRail supports policy direction that requires subdivision, use and development to be designed in a way that supports the safe and efficient operation and development of land transport infrastructure. KiwiRail supports policy that seeks to protect the rail corridor from incompatible activities.	Retain as proposed

36.	Transport	TRAN-P9 Non-transport related activities	Neutral	KiwiRail note the policy direction to encourage road and rail corridor to be used for other network utilities and non-transport related activities. Approval of any activities within the rail corridor will be at the discretion of KiwiRail.	
37.	Transport	TRAN-R1 Maintenance of existing land transport infrastructure	Support	KiwiRail supports the permitted activity status of maintaining existing land transport infrastructure.	Retain as proposed
38.	Transport	TRAN-R2 Upgrading any existing land transport infrastructure	Support	KiwiRail supports the permitted activity status of upgrading any existing land transport infrastructure subject the upgrading being within 5m of the outer edge of the outer edge of an existing railway line.	Retain as proposed
39.	Transport	TRAN-R3 New vehicle access way TRAN-R4 New Vehicle Crossings	Support	KiwiRail supports the permitted activity status of new vehicle access ways and crossings, subject to compliance with TRAN-S9.	Retain as proposed
40.	Transport	TRAN-R11 New private roads, roads and other land transport infrastructure outside of existing road or rail corridors	Support	KiwiRail notes the discretionary activity status for other land transport infrastructure outside of rail corridors.	Retain as proposed
41.	Transport	TRAN-S9 Approach sight triangles for public road/rail level crossings	Seek amendment	Public safety at level crossings is crucial, and protection of sight lines and vehicle crossing setbacks are a key means of ensuring this. KiwiRail therefore support the inclusion of a standard for sight triangles for railway level crossings. KiwiRail seeks amendment to assist with the clear interpretation and implementation of this standard.	TRAN-S9 Rail level crossing sightlines and vehicle crossing setbacks Approach sight triangles for public road/rail level crossings 1. Any vehicle access way and vehicle crossing must not cross a railway line and any vehicle crossing must not be located less than 30 metres from a rail level crossing. The 30 metres shall be measured from the edge of the closest rail track to the edge of seal on the proposed vehicle access point. 2. Any building, structure, or planting or other visual obstruction must not be located within the shaded restart or approach sightline areas of a rail level crossing as shown in the shaded areas identified in Figure 7 or Figure 8 below. Figure 7 – level crossings controlled by Stop or Give Way control Approach sight triangles for level crossings with Give Way signs [...]
42.	Natural Hazards	NH-O2 Regionally Significant Infrastructure NH-P5 Subdivision and Regionally significant Infrastructure in Liquefaction Awareness Areas NH-P6 Subdivision and Regionally Significant Infrastructure in Earthquake Fault Awareness Areas NH-P11 Regionally Significant	Support	Rail infrastructure is linear and is not easily relocated. KiwiRail supports the objective and policies that recognises that in some instances, regionally significant infrastructure is required to be located within areas of hazard risk.	Retain as proposed

		Infrastructure in Natural Hazard Areas			
43.	Natural Hazards	NH- R5 Regionally Significant Infrastructure - maintenance, replacement and upgrading	Support	KiwiRail supports the permitted activity status of the maintenance, replacement and upgrading of regionally significant infrastructure, subject to standards.	Retain as proposed
44.	Natural Hazards	NH-R6 Regionally Significant Infrastructure – New	Seek amendment	This rule includes an exception for structures within a road corridor. KiwiRail seeks broadening of this exception to include structures within a rail corridor. There are cases where rail structures are required within flood assessment areas due to their functional or operational need to be located there. KiwiRail seeks that these structures be excluded from NH-R6.1 and NH-R6.2.	Amend as follows: Regionally Significant Infrastructure – New NH-R6.1 does not apply if: <ol style="list-style-type: none">1. the infrastructure is below ground; or2. above ground infrastructure is less than 10m2 and is not located within a high hazard area as determined under NH-S1; or3. the structure is located within a road or rail corridor. [...] 2 Overland flow paths identified in a Flood Risk Certificate issued in accordance with NH-S1 Activity status: Permitted Where: PER-1 The infrastructure is below ground; or PER-2 Above ground infrastructure is less than 10m2; or PER-3 The infrastructure is located within a road or rail corridor.
45.	Historic Heritage	Objective and policy	New	There is one heritage item located within the rail corridor and KiwiRail seeks amendment to this chapter to provide a linkage to objective EI-O2 and policy EI-P2 to ensure regionally significant infrastructure can be located in sensitive environments (such as heritage settings) where there is a functional or operational need to be in that location.	Amend chapter to provide for regionally significant infrastructure in sensitive areas.
46.	Notable Trees	TREES-P2 Maintenance of Notable Trees	Seek amendment	There is one grouping of notable trees located within the rail corridor. KiwiRail seeks policy which enables maintenance to ensure the safe and efficient operation of regionally significant infrastructure.	Amend as follows: Enable the minor pruning and trimming of branches where the works will: <ol style="list-style-type: none">1. retain or improve the health of the Notable Tree; and2. allow the regular maintenance of the Notable Tree; and3. ensure the safe and efficient operation of regionally significant infrastructure; and [...]
47.	Notable Trees	TREES-P3 New activity and development within root protection area of Notable Trees	Support	KiwiRail supports recognition of the functional need of infrastructure to be located within the root protection area of a notable tree in some instances.	Retain as proposed
48.	Notable Trees	TREES-P4 Removal of Notable Trees	Support	KiwiRail supports that there may be instances where the removal of a notable tree is necessary to maintain regionally significant infrastructure.	Retain as proposed
49.	Sites and Areas of	Objective and policy	New	There are sites and areas of significance to Māori located within the rail corridor and KiwiRail seeks amendment to this chapter to provide a linkage to objective EI-O2 and policy EI-P2 to ensure regionally significant infrastructure can be located in	Amend chapter to provide for regionally significant infrastructure in sensitive areas.

	Significance to Māori			sensitive environments (such as SASM) where there is a functional or operational need to be in that location.	
50.	Ecosystems and Indigenous Biodiversity	ECO-P2 Appropriate indigenous vegetation clearance in significant natural areas	Seek amendment	There are SNA's that extend into the rail corridor. KiwiRail seeks amendment to broaden clause 5. of this policy so that it applies to all regionally significant infrastructure that serves the district, not only the national grid and public roads. Vegetation clearance is often required to ensure the rail network can operate safely and efficiently and can be maintained over time.	Amend as follows: Provide for the clearance of indigenous vegetation in Significant Natural Areas where it is appropriate for health and wellbeing or customary reasons, by enabling clearance: [...] 5. for the operation, maintenance or repair of the National Grid, rail network and public roads.
51.	Ecosystems and Indigenous Biodiversity	ECO-P5 Protection of Significant Natural Areas	Support	KiwiRail supports the linkage to EI-P2 within this policy which allows for regionally significant infrastructure where adverse effects are managed.	Retain as proposed
52.	Ecosystems and Indigenous Biodiversity	ECO-R1 Clearance of indigenous vegetation	Seek amendment	Clause 1 within SNA – KiwiRail seeks amendment to ensure vegetation clearance for the safe and efficient operation of the rail corridor is provided for as a permitted activity. Clause 2 - KiwiRail supports the permitted activity status of vegetation clearance within 2m, and for the purpose, of maintenance, repair or replacement of existing lawfully established utilities, including the rail corridor.	Amend as follows: New clause PER-6 The vegetation clearance is carried out to maintain the safe and efficient operation of the rail network.
53.	Ecosystems and Indigenous Biodiversity	ECO-R5 Earthworks in a Significant Natural Area	Support	KiwiRail supports the restricted discretionary activity status for earthworks within 2m, and for the purpose, of maintenance, repair or replacement of existing lawfully established utilities, including the rail corridor.	Retain as proposed
54.	Natural Character	NATC-P5 Anticipated activities in riparian margins	Seek amendment	The rail network includes bridges over waterways within the Timaru district. KiwiRail seeks recognition of bridge works as an anticipated activity in riparian margins.	Amend as follows: Provide for activities in riparian margins which are appropriate for safety, enhancement, wellbeing or customary reasons, by enabling: [...] 5. earthworks that are for the purpose of maintenance and repair of existing fences, tracks, the rail network , roads or for limited new fencing and tracks.
55.	Natural Character	NATC-R1 Vegetation clearance	Seek amendment	KiwiRail seeks that vegetation clearance for the operation, maintenance, repair or upgrade of the rail corridor within riparian margins be provided for as a permitted activity.	Amend as follows: PER-7 The vegetation clearance is for the operation, maintenance or repair of the rail network.
56.	Natural Character	NATC-R3 Earthworks	Seek amendment	KiwiRail seeks that earthworks for the operation, maintenance, repair or upgrade of the rail corridor within riparian margins be provided for as a permitted activity.	Amend as follows: PER-5 The earthworks are required for the operation, maintenance or repair of the rail network. 2 [...] PER-3 The earthworks are required for the operation, maintenance or repair of the rail network.
57.	Subdivision	SUB-O1 General subdivision design	Seek amendment	KiwiRail supports the objective to manage adverse effects on regionally significant infrastructure. However, KiwiRail seeks strengthening of this objective to avoid adverse effects. The rail network interacts with almost all zones within Timaru. KiwiRail seeks an objective that identifies that 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.	Amend as follows: New subdivisions will: [...] 8. have minimal avoid adverse effects on regionally significant infrastructure or intensive primary production; and [...]
58.	Subdivision	SUB-P5 Reverse Sensitivity	Seek amendment	KiwiRail supports the intent of this policy but seeks minor amendment to clarify that it is the safe and efficient operation of regionally significant infrastructure that requires protection.	Amend as follows: Only allow subdivision that does not result in reverse sensitivity effects that would compromise the safe and efficient operation of regionally

					significant infrastructure/facilities and legally established intensive primary production.
59.	Subdivision	SUB-P6 Infrastructure	Support	Stormwater discharge onto the rail corridor has the potential to damage the rail network and disrupt the safe and efficient function of the railway. KiwiRail supports policy direction to ensure that stormwater does not result in increased flooding and erosion risk.	Retain as proposed
60.	Subdivision	SUB-P9 Residential subdivision	Seek amendment	KiwiRail seeks the strengthening of clause 7. to avoid conflict and adverse effects on adjoining land uses including the rail corridor.	Amend as follows: Require residential subdivision to accord with the purpose, character and qualities of the zone, and maintain and enhance amenity values, by ensuring: [...] 7. Adverse effects, including reverse sensitivity effects from conflict between residential activities on and adjoining land uses are avoided minimised.
61.	Subdivision	SUB-R1 Boundary adjustment	Seek amendment	KiwiRail seeks amendment to the matters of control to clearly outline what adverse effects are to be managed.	Amend as follows: Matters of control are restricted to: [...] 13. measures to manage adverse effects, including reverse sensitivity effects, on existing land uses.
62.	Subdivision	SUB-R3 Subdivision not listed in SUB-R1 and SUB-R2	Seek amendment	KiwiRail seeks amendment to the matters of control to clearly outline what adverse effects are to be managed.	Amend as follows: Matters of control are restricted to: [...] 13. measures to manage adverse effects, including reverse sensitivity effects, on existing land uses.
63.	Subdivision	SUB-S6 Vehicular Access	Support	KiwiRail supports the requirement to comply with the Transport Chapter Standards and that vehicular access must not be across a railway line.	Retain as proposed
64.	Coastal Environment	Objective	New	Parts of the rail corridor are within the Coastal Environment and KiwiRail seeks amendment to this chapter to provide a linkage to objective EI-O2 to ensure regionally significant infrastructure can be located in sensitive environments (such as the coastal environment) where there is a functional or operational need to be in that location.	Amend chapter to provide for regionally significant infrastructure in sensitive areas.
65.	Coastal Environment	CE-P13 Regionally Significant Infrastructure in Coastal Hazard Areas	Support	KiwiRail supports policy that recognises there is, in some instances, a functional or operational need for infrastructure to be located in the coastal environment.	Retain as proposed
66.	Coastal Environment	CE- R7 Regionally Significant Infrastructure - maintenance and upgrade	Support	KiwiRail supports the permitted activity status of the maintenance and upgrade of regionally significant infrastructure within coastal overlays, subject to standards.	Retain as proposed
67.	Coastal Environment	CE- R8 Regionally Significant Infrastructure - New	Support	KiwiRail notes the discretionary activity status of new regionally significant infrastructure within the Coastal High Natural Character Area Overlay.	Retain as proposed
68.	Earthworks	EW-P1 Benefits and necessity	Support	KiwiRail supports recognition of the necessity of earthworks for the provision of utilities.	Retain as proposed
69.	Earthworks	EW-P4 Infrastructure	Support	KiwiRail supports protection of regionally significant infrastructure from the effects of earthworks.	Retain as proposed
70.	Earthworks	EW-R1 Earthworks	Support	KiwiRail supports the exclusion for infrastructure permitted in the Energy, Infrastructure and Transport chapters of the Plan.	Retain as proposed
71.	Noise	NOISE-O2 Reverse sensitivity	Support	KiwiRail supports recognition of the need to protect railway lines from reverse sensitivity effects from noise sensitive activities.	Retain as proposed
72.	Noise	NOISE-P5 Reverse sensitivity	Seek amendment	KiwiRail supports the recognition of higher noise environments within close proximity to a railway line and the need to require noise sensitive activities to be located and designed to minimise adverse effects on the health and amenity of occupants. KiwiRail seeks amendment to identify that noise and vibration effects are felt within 100m of a railway line and this should be specified in policy. KiwiRail considers clauses 1-4 are not required and would weaken the intent of the policy to meet NOISE-O2 and protect railway lines from reverse sensitivity effects.	Amend as follows: Require noise sensitive activities located in higher noise environments to be located and designed so as to minimise adverse effects on the amenity values and health and safety of occupants and minimise sleep disturbance from noise., while taking into account: 1. the type of noise generating activity; and 2. other noise sources in the area; and 3. the nature and occupancy of the noise sensitive activity; and

					<p>4. mitigation measures, including acoustic insulation, screening and topography.</p> <p>For the purpose of this Policy, higher noise environments include:</p> <ol style="list-style-type: none"> 1. Commercial and Mixed Use Zones; and 2. Residential zones in close proximity to any General industrial zone and areas within the Port Noise Outer Control Boundary and within that part of the Medium Density Residential Zone and City Centre Zone located within the Port Noise Inner Control Boundary; and 3. Locations within 100m of a in close proximity to a State Highway or the railway line.
73.	Noise	NOISE-R9 Any new building for use by a noise sensitive activity and alterations to existing buildings for use by a noise sensitive activity	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) sensitive uses within 100m of the railway corridor.</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. 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 environment for people locating within proximity to the railway corridor, minimising the potential for complaints about the effects of the railway network.</p>	<p>Amend as follows: Any site within 100m 100m of the railway line Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>The building or alteration to an existing building is acoustically insulated and ventilated in accordance with:</p> <ol style="list-style-type: none"> 1. NOISE-S3 and NOISE-S4; and 2. the acoustic insulation must be assessed in accordance with ISO 717-1:2020 Acoustics — Rating of sound insulation in buildings and of building elements — Part 1: Airborne sound insulation, excluding acoustic insulation installed to address rail noise; or <p>PER-2</p> <p>An acoustic design certificate signed by a suitably qualified acoustic engineer demonstrates either:</p> <ol style="list-style-type: none"> a. the level of noise incident on the most exposed part of the exterior of any habitable room can be shown under a reasonable maximum use scenario to not exceed the following noise limits at all points 1.5m above ground level, and any part of the floor levels above ground: <ol style="list-style-type: none"> i. less than 55 dB LAeq(1h) for rail noise; or ii. Less than 57 dB LAeq(1h) for road noise; or iii. Less than 57 dB LAeq(1h) for port noise; or b. the building is at least 50 20 metres from all roads subject to the standard and/or the railway line and there is a solid building, fence, wall or landform that completely blocks the line-of-sight from all parts of all windows and doors to all parts of any road surface subject to the standard, or all points above 3.8 metres for railway track. <p>PER-3</p> <p>Any new building or alteration to existing building containing an activity sensitive to noise, closer than 60 metres from the boundary of a railway network is designed, constructed and maintained in accordance with NOISE-S7.</p>

74.	Noise	NOISE-S3 Acoustic insulation	Seek amendment	<p>KiwiRail acknowledge the intent of NOISE-S3 to require acoustic insulation for new habitable rooms within proximity to noise generating activities such as rail activities. KiwiRail supports the intent of this standard but seeks amendment to achieve an efficient approach specific to rail noise.</p> <p>For fixed noise sources such as the rail corridor, the method outlined in NOISE-S3 1. is inefficient. KiwiRail considers that for rail noise, the requirement to achieve a minimum internal noise level for habitable rooms allows for a more flexible, room-specific approach based on exposure to the noise source. Alternatively, the external to internal noise reduction (which takes a more blanket approach) could result in the over-designing of buildings and under-designing of more exposed buildings.</p> <p>KiwiRail seeks amendment to provide a specific rule clause for habitable rooms in a new building or altered building within 100m of the rail corridor.</p>	<p>Amend as follows: NOISE-S3 1.</p> <p>Within 40m of a railway line</p> <p>Add new rule clause NOISE-S3 3. <i>Within 100m of a railway line</i></p> <ol style="list-style-type: none"> 1. 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: <ol style="list-style-type: none"> a. is designed, constructed and maintained to achieve indoor noise levels resulting from the railway not exceeding 35 dB LAeq(1h); or b. is a single-storey framed residential building with habitable rooms designed, constructed and maintained in accordance with the construction schedule in Table 25 - Minimum construction requirements for external building elements of habitable rooms to achieve an advanced level of acoustic insulation. 2. 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. <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Whether the activity sensitive to noise could be located further from the railway network. 2. The extent to which the noise criteria are achieved and the effects of any non-compliance. 3. The character of, and degree of, amenity provided by the existing environment and proposed activity. 4. The outcome of any consultation with KiwiRail. <p>Notification: 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.</p>
75.	Noise	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 as follows:</p> <ol style="list-style-type: none"> 1. The requirements of minimum external to internal noise reduction levels in NOISE-S3 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 study or bedroom unless an acoustic design certificate signed by a suitably qualified acoustic engineer is provided that states the design of any bedroom or any study as proposed will comply with the NOISE-S3 acoustic insulation standards with windows open. 2. Ventilation systems where installed must: generate sound levels not exceeding: <ol style="list-style-type: none"> a. provide cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; b. not generate more than 35 dB LAeq(30s) when measured 1 metre away from any grille or diffuser; and c. provide an adjustable airflow rate of up to at least 6 air changes per hour. <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. effects on the ability of existing or permitted activities to operate or establish without undue constraint; and

					<p>2. the effects of the non-compliance; and</p> <p>3. the ability to provide the appropriate levels of ventilation through other means; and</p> <p>4. the amenity of present and future residents of the site.</p>
3.	Noise	NOISE-S7	New	As above, KiwiRail seeks a new standard relating to indoor railway vibration. This standard is designed to protect the rail corridor from reverse sensitivity effects and provide an appropriate level of amenity for occupants that neighbour the rail corridor.	<p>Insert as follows:</p> <p>NOISE-S7 Indoor railway vibration</p> <p>1. 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:</p> <p>a) is designed, constructed and maintained to achieve rail vibration levels not exceeding 0.3 mm/s vw,95 or</p> <p>b) is a single-storey framed residential building with:</p> <p>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</p> <p>II. ii. vibration isolation separating the sides of the floor slab from the ground; and</p> <p>III. no rigid connections between the building and the ground.</p> <p>2. 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.</p> <p>Matters of discretion are restricted to:</p> <p>1. Whether the activity sensitive to vibration could be located further from the railway network.</p> <p>2. The extent to which the vibration criteria are achieved and the effects of any non-compliance.</p> <p>3. The character of, and degree of, amenity provided by the existing environment and proposed activity.</p> <p>4. The outcome of any consultation with KiwiRail.</p> <p>Notification:</p> <p>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.</p>
4.	Noise	Table 25 Minimum construction requirements for external building elements of habitable rooms to achieve an advanced level of acoustic insulation	Support	KiwiRail supports Table 25 as proposed. This Table aligns with KiwiRail's model noise standard.	Retain as proposed
5.	Sign	SIGN-P2 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
6.	Sign	SIGN-S1 Traffic safety	Support	KiwiRail support the requirement for signs to not be erected in a manner that obstructs any intersection.	Retain as proposed
7.	Temporary activities	TEMP-R1 Temporary buildings and structures ancillary to construction work	Support	Seek amendment	KiwiRail seeks amendment to this 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.

8.	Multiple	All zones adjacent to rail corridor including: GRZ MRZ GRUZ SETZ LFRZ MUZ TCZ CCZ GIZ NOSZ OSZ SARZ MPZ PORTZ	New rules	<p>KiwiRail note there is variation in boundary setback rules in zone chapters in the Proposed Plan. There are zones with no boundary setback requirements and others with road, zone and internal boundary setbacks.</p> <p>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.</p> <p>KiwiRail seeks a setback requirement of 5m from 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. 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.</p> <p>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.</p>	<p>Amend as follows:</p> <p>New rule: Rail corridor setback Activity Status Permitted Where:</p> <p>No building or structure may be located within 5m of any site boundary with the rail corridor.</p> <p>Activity status when compliance not achieved: RDIS</p> <p>New rule: Buildings or structures not meeting Rule XXX-RX Activity Status Restricted Discretionary Where:</p> <p>The building is setback less than 5m from the rail corridor boundary.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> 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; and the safe and efficient operation of the rail network.
9.	Designations	KRH – KiwiRail Holdings Limited	Support	KiwiRail supports the wording in the designations chapter as notified. Minor changes are reflected to the mapped extent of the designation as outlined below.	Retain as proposed
Part 4 – Appendices and schedules					
10.	Schedule 5B – Notable Group of Trees	TREESG-11	Oppose	The protection of these trees would not be conducive to the designation of the Main South Line for 'railway purposes'. Maintaining vegetation within the rail corridor is essential to provide for appropriate train clearances and ensure the rail network can operate safely and efficiently. KiwiRail seek to preserve trees and mature vegetation where possible but object to the scheduling of these trees which are owned by KiwiRail. KiwiRail seeks the removal of the tree grouping from the schedule of notable trees.	Remove TREESG-11 from Schedule 5B.
11.	Schedule 7 – Significant Natural Areas	SNA-116b Rangitata Island SNA-823 Penguin habitat SNA-851 Ōpihi River SNA-852 Ōrāri River SNA-853 Rangitata River	Support	<p>KiwiRail note there are SNA's that extend within the rail corridor.</p> <p>KiwiRail accept the river SNA's (SNA-851, SNA-852 and SNA-853) subject to a minor change to KiwiRail's designation to ensure rail bridges are designated over all rivers in the Proposed Plan (see submission point 12 below).</p> <p>SNA-823 extends into the designated corridor however, this area does not contain track infrastructure and is currently leased to Timaru District Council for the coastal walkway and lighthouse site. KiwiRail accepts this scheduled site noting vegetation clearance for utilities within SNA's is provided for as a permitted activity and earthworks is provided for as a restricted discretionary activity.</p> <p>SNA-116b extends into the margins of the rail corridor and does not currently include existing track infrastructure. KiwiRail accepts this scheduled site noting vegetation clearance for utilities within SNA's is provided for as a permitted activity and earthworks is provided for as a restricted discretionary activity.</p>	Retain as proposed
Planning maps					
12.	All maps containing railway designation	Designation KRH1	Seek amendment	<p>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.</p> <p>KiwiRail acknowledge that the submitted shapefile contained proposed modifications that were not identified or assessed in the clause 4(1) notice. The Proposed Plan as notified included the rollover designation with minor corrections</p>	Amend planning maps as detailed in Schedule A.

			<p>only. Corrections were limited to merging all designations into one, updating the purpose, removal of legal description and adding location/address.</p> <p>KiwiRail have reviewed the planning maps and seek minor changes to the proposed planning maps and KiwiRail designation in accordance with Schedule 1, clause 16 of the RMA. KiwiRail note that these minor changes were not notified as part of the Proposed Plan and provide justification for their inclusion post-notification below.</p> <p>Case law has established that the test for whether an amendment to a proposed plan is of "minor effect" will depend on whether the amendment affects (prejudicially or beneficially) the rights of a member of public, or whether the amendment is "merely neutral". The Courts have found that clause 16 is not intended to avoid the rights of public participation in the RMA by permitting changes to the information in a plan where had that information been present in the proposed plan, it might have drawn a submission.</p> <p>Accordingly, if the effect of an amendment to a proposed plan will be neutral, a local authority is permitted to make that amendment under clause 16(2) (ie without going through the full submission, hearing and appeals process for changes to a plan under the remainder of Schedule 1).</p> <p>KiwiRail have assessed all proposed minor changes in Schedule A attached. Changes include:</p> <ul style="list-style-type: none"> - Changes to the alignment of the designation over the rail corridor as a result of technology improvements; and - the inclusion of minor gaps in a designation on KiwiRail owned land, so that the designation alignment more accurately reflects the alignment of KiwiRail's assets within the rail corridor. <p>The above changes are considered to have a neutral effect on the rights of a member of public and KiwiRail seeks that these changes be accepted by Council as a minor change.</p> <p><u>Please note:</u> The inclusion of KiwiRail land at the following locations has been identified as a modification to the designation and KiwiRail will submit application(s) for alteration to the Operative Plan KiwiRail designations in accordance with s181 of the RMA in due course.</p> <ul style="list-style-type: none"> - Temuka Yard - Washdyke siding - Timaru Yard 	
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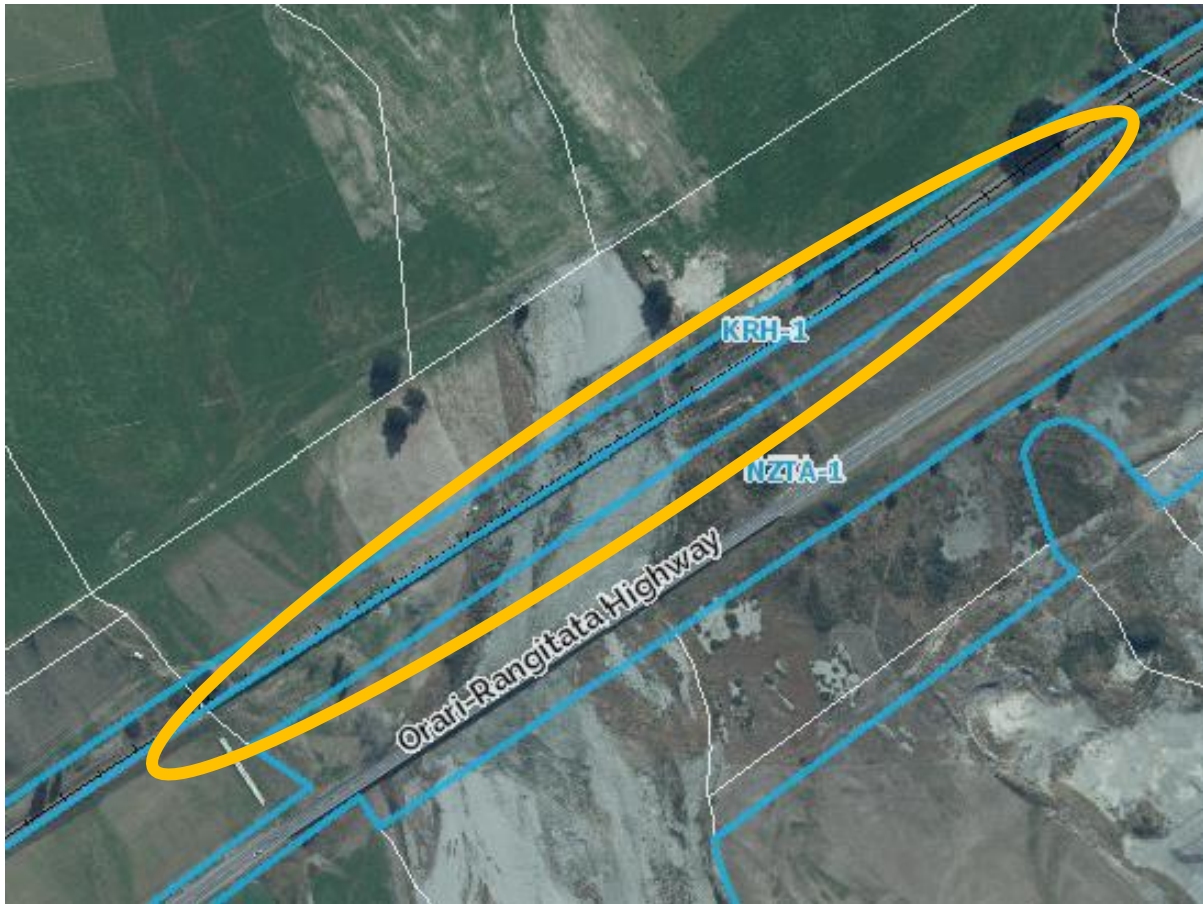
SCHEDULE A - Proposed Timaru District Plan – KRH-1 Minor Changes (North to South)



<p>Minor change sought (Sch 1, cl 16):</p>	<p>Include full extent of existing rail asset Bridge 57, Main South Line which extends over the Rangitata River. Area to be included shown as orange shape above. The notified designation boundary is shown in blue.</p>
<p>Land ownership (LINZ):</p>	<p>Parcel – Railway purposes NZ Gazette 1952 p 1632</p>
<p>Assessment:</p>	<p>The land is currently used and gazette for Railway Purposes. The designation should be corrected to reflect historic and current land use, and ownership.</p> <p>The land to the north west of the amended designation is listed for Railway Purposes in NZ Gazette 1952 p 1632. The land to the south east is listed as Land Declared Road New Zealand Gazette 2021 In 2541 Vested in the Crown. Waka Kotahi’s State Highway bridge is setback from Bridge 57.</p> <p>KiwiRail considers that the inclusion of the bridge assets is not substantive, is deemed to be minor and will not be prejudicial to any other parties.</p>



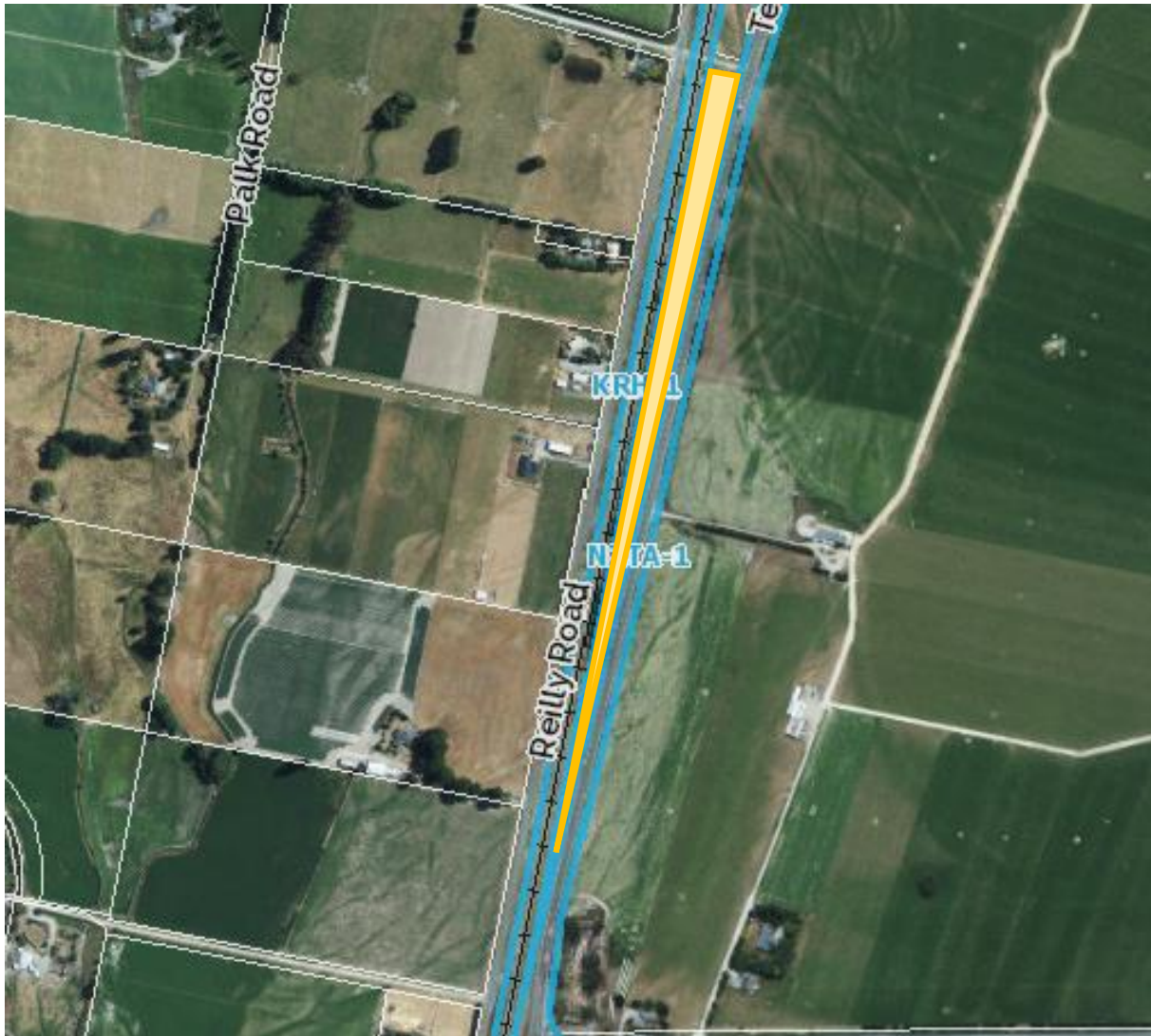
<p>Minor change sought (Sch 1, cl 16):</p>	<p>Include KiwiRail land to the immediate south west of the railway tracks (shown in orange shape above). The notified designation boundary is shown in blue.</p>
<p>Land ownership (LINZ):</p>	<p>Government Purposes (Railway) NZ Gazette 1888 p 50</p>
<p>Assessment:</p>	<p>The land is currently leased and is administered by KiwiRail. The designation should be changed to align with the gazette railway purpose. Stormwater management adjacent to the operative railway line is crucial for rail operations. Low lying grassed areas adjacent to the railway tracks are important for preventing ponding in and around the track infrastructure.</p> <p>The land to the north west is currently designated rail land and the land to the south east is identified as a paper road currently used as a farm track. Given the lease agreement, it is considered that the leasee and adjoining landowners understand that the land is owned and administered by KiwiRail.</p> <p>KiwiRail considers that the inclusion of rail and is not substantive, is deemed to be minor and will not be prejudicial to any other parties.</p>



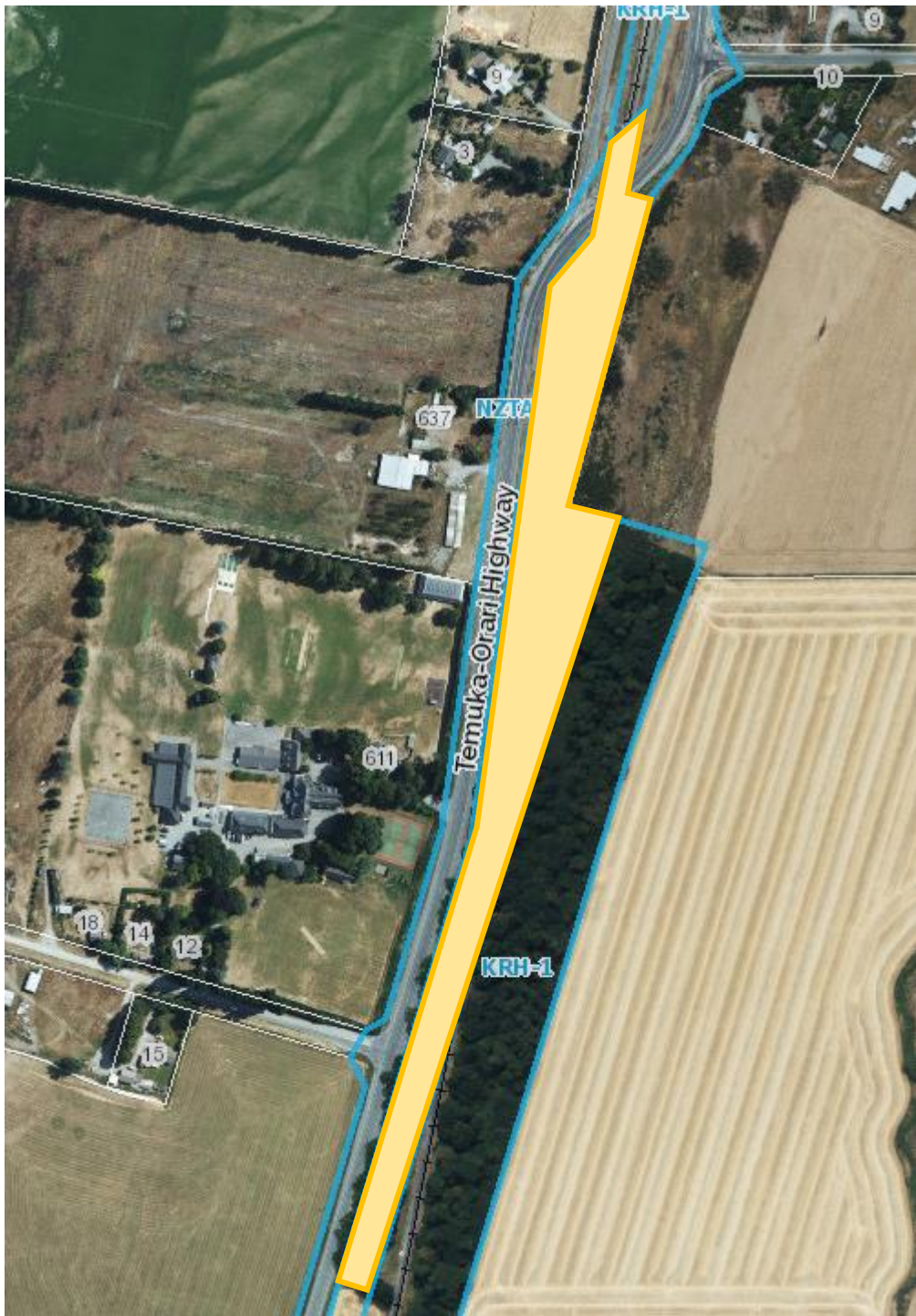
<p>Minor change sought (Sch 1, cl 16):</p>	<p>Realign designation boundaries to accurately follow curvature of railway within orange circle above. The notified designation boundary is shown in blue.</p>
<p>Land ownership (LINZ):</p>	<p>Parcel – Railway NZ Gazette 1952 p 1632</p>
<p>Assessment:</p>	<p>The land is currently used for Railway Purposes and is administered by KiwiRail. The designation should be corrected to reflect current land use and ownership.</p> <p>The land to the north and south of the amended boundary is listed for Railway Purposes in NZ Gazette 1952 p 1632. There is no change proposed to a boundary shared with a third party.</p> <p>The change to the contour of the line to match the rail corridor is not substantive, is deemed to be minor and will not be prejudicial to any other parties.</p>



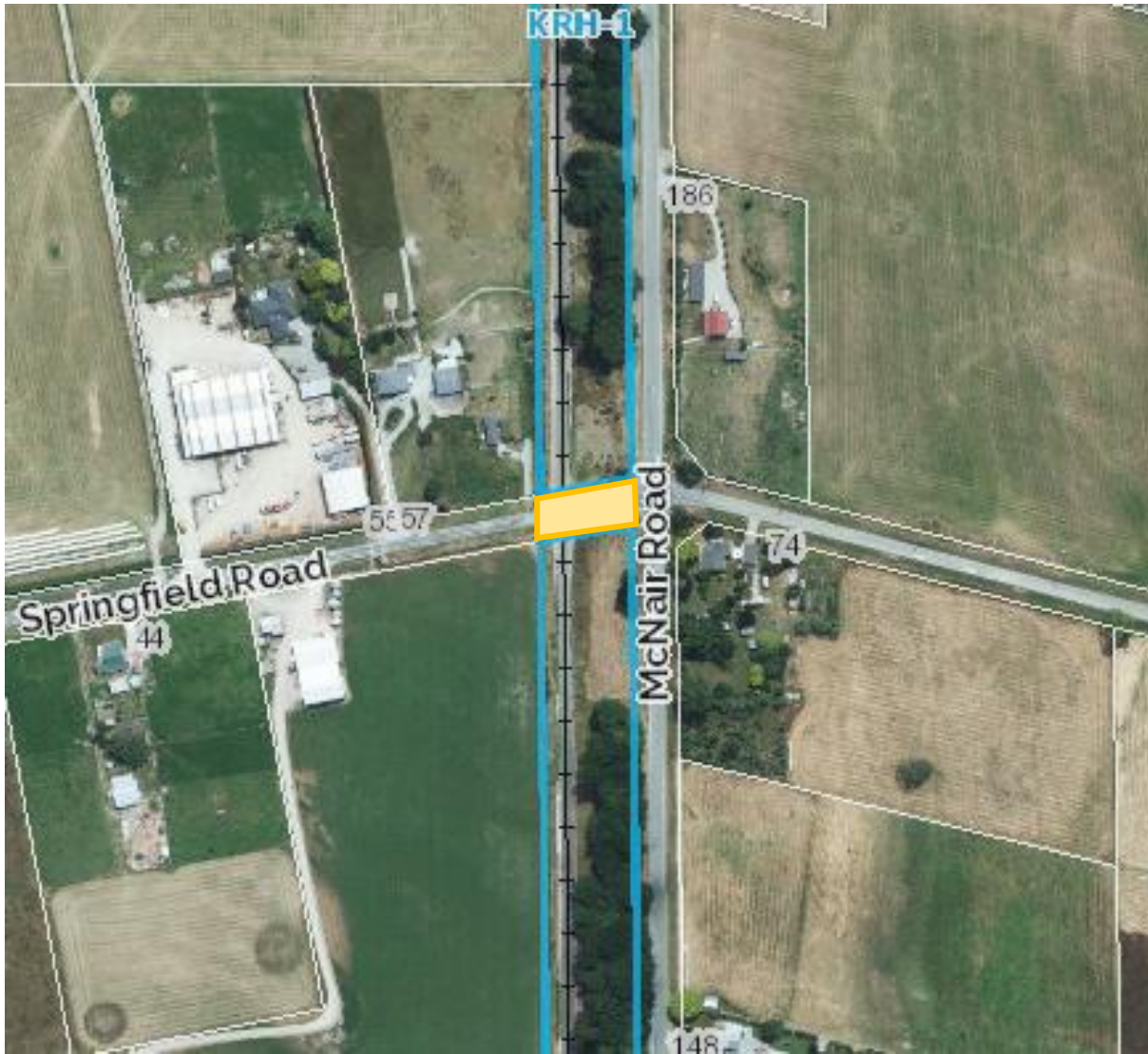
<p>Minor change sought (Sch 1, cl 16):</p>	<p>Include full extent of existing rail asset Bridge 67, Main South Line which extends over the Orari River. Area to be included shown as orange shape above. The notified designation boundary is shown in blue.</p>
<p>Land ownership (LINZ):</p>	<p>Hydro parcel</p>
<p>Assessment:</p>	<p>The land is currently used for Railway Purposes and the designation should reflect this. KiwiRail accepts a narrower width shapefile over the hydro parcel to cover the bridge and piers below only. It is important to include all existing rail assets within district plans to identify existing infrastructure and illustrate the linear nature of the rail network. This is the accepted approach taken with other councils throughout New Zealand.</p> <p>The hydro parcel to the east and west of the rail bridge is not in private ownership. Therefore, the change to include the existing bridge asset is deemed to be minor and will not be prejudicial to any other parties.</p>



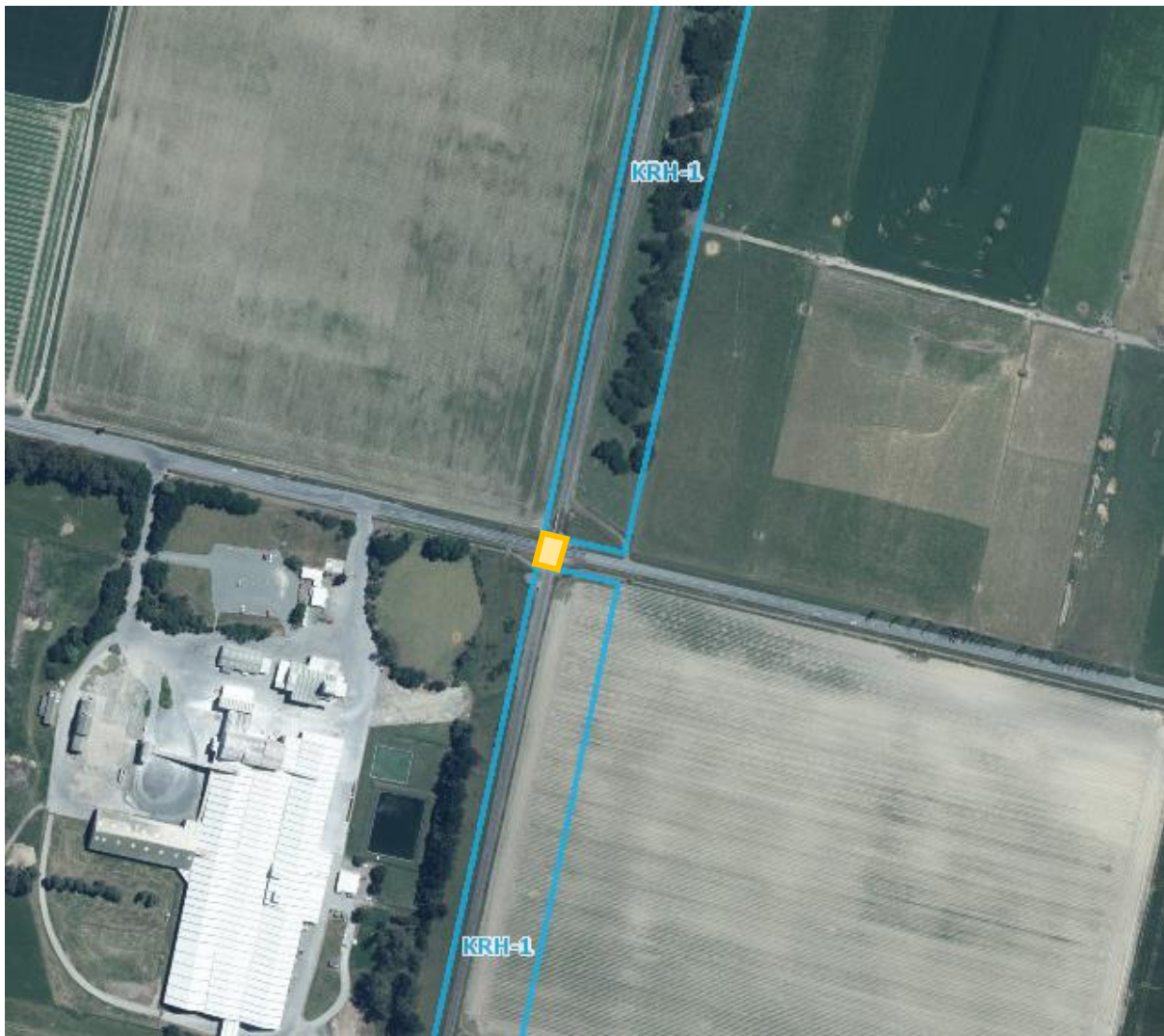
<p>Minor change sought (Sch 1, cl 16):</p>	<p>Include KiwiRail land to the immediate west of the railway tracks (shown in orange shape above). The notified designation boundary is shown in blue.</p>
<p>Land ownership (LINZ):</p>	<p>Government Purposes (Railway) NZ Gazette 1888 p 492</p>
<p>Assessment:</p>	<p>The land is owned by KiwiRail and is currently leased to Council as a Beautification Licence. The land is not able to be developed under this licence. The designation should be changed to reflect land ownership and the secondary purpose for stormwater management adjacent to the operative railway line. Low lying grassed and planted areas adjacent to the railway tracks are important for preventing ponding in and around the track infrastructure.</p> <p>The minor change will have neutral impact on third parties. The land to the west and south is currently designated rail land and the land to the north and east adjoins the road network. Given the lease agreement, it is considered that the leasee understands that the land is owned and administered by KiwiRail. For this reason, it is considered that the change is deemed to be minor and will not be prejudicial to any other parties.</p>



Minor change sought (Sch 1, cl 16):	Include level crossing and KiwiRail land to south and west of existing designation (shown in orange shape above). The notified designation boundary is shown in blue.
Land ownership (LINZ):	Road Railway Sec 16 Government Railways Act 1887 Railway Memorial 46341
Assessment:	<p>The rail network is linear, however the Proposed Plan as notified shows a gap in the rail designation at the location shown above. KiwiRail seeks minor change so the existing level crossing and rail infrastructure are accurately designated.</p> <p>KiwiRail have a Deed of Grant agreement in place for the use of the public level crossing at SH1 Winchester 144.497km where the rail network intersects with the state highway. KiwiRail works closely with Waka Kotahi on designation reviews as the rail and roading networks often overlap. In these instances, KiwiRail accepts 'Varies' as the designation hierarchy. Please see attached email confirmation of overlapping designation from Waka Kotahi.</p> <p>For the land south of the state highway, this is currently used for Railway Purposes, contains rail infrastructure and is administered by KiwiRail. Given the current ownership and use, it is considered that adjoining landowners understand that the land is owned and administered by KiwiRail. For this reason, it is considered that there is neutral impact, the change is deemed to be minor and will not be prejudicial to any other parties.</p>



<p>Minor change sought (Sch 1, cl 16):</p>	<p>Include Springfield Road rail level crossing (shown in orange shape above). The notified designation boundary is shown in blue.</p>
<p>Land ownership (LINZ):</p>	<p>Part Railway Reserve</p>
<p>Assessment:</p>	<p>The rail network is linear, however the Proposed Plan as notified shows a gap in the rail designation at the location shown above. In this instance, the land is railway reserve and used for railway purposes. KiwiRail seeks a minor change to include this existing level crossing in the designation and reflect current land use.</p> <p>The minor change to the designation would be a continuation of the designated rail corridor to the north and south, and would border the road network to the east and west. The change is deemed to be minor and will not be prejudicial to any other parties.</p>



<p>Minor change sought (Sch 1, cl 16):</p>	<p>Include Domain Road East rail level crossing (shown in orange shape above). The notified designation boundary is shown in blue.</p>
<p>Land ownership (LINZ):</p>	<p>Road</p>
<p>Assessment:</p>	<p>The rail network is linear, however the Proposed Plan as notified shows a gap in the rail designation at the location shown above. In this instance, the level crossing extends over land identified as road. KiwiRail will accept a narrower width shapefile over the road to cover the existing level crossing and reflect current land use.</p> <p>The minor change to the designation would border the designated rail corridor to the north and south, and the road network to the east and west. The change is deemed to be minor and will not be prejudicial to any other parties.</p>



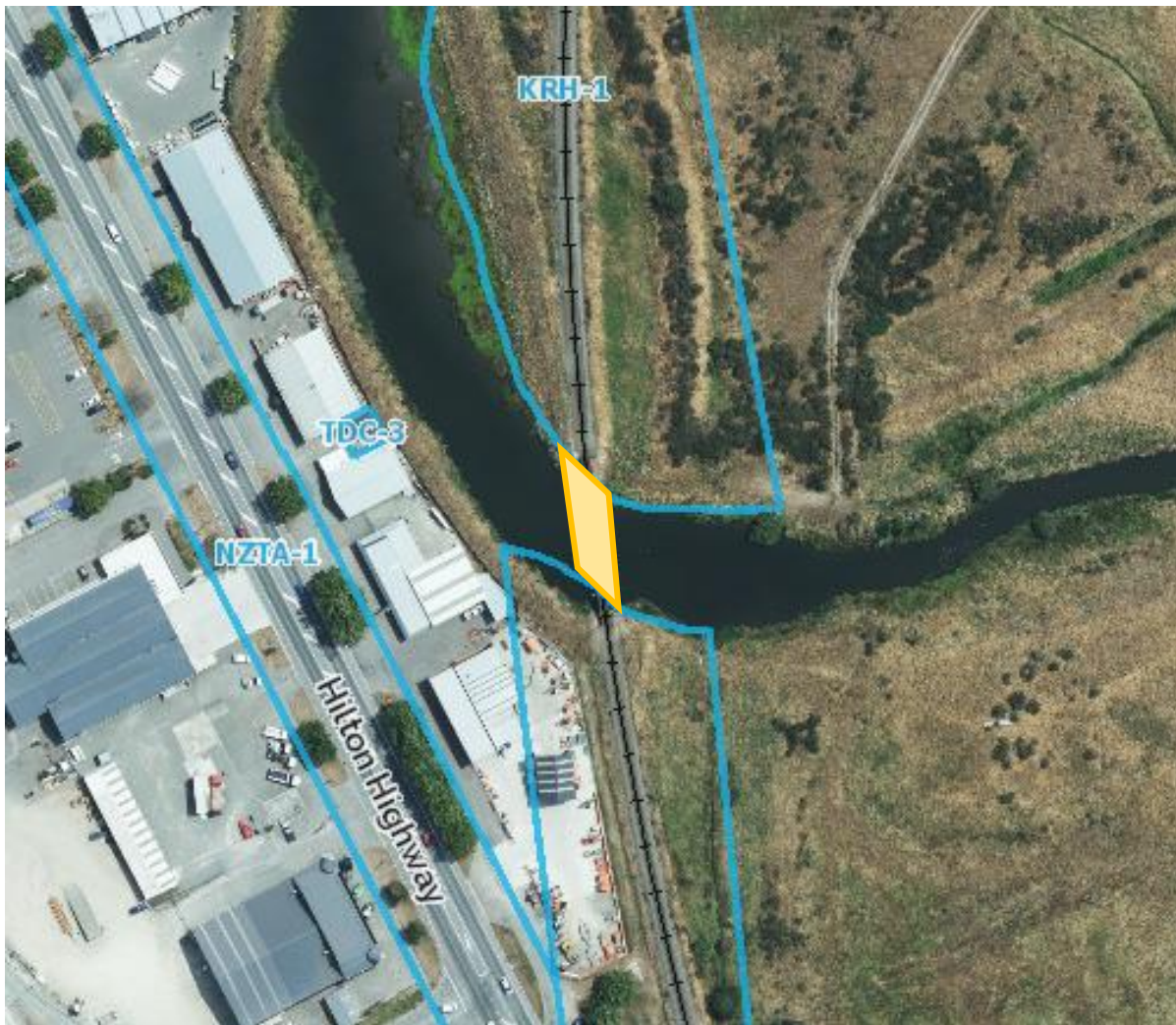
<p>Minor change sought (Sch 1, cl 16):</p>	<p>Include Hedley Road rail level crossing (shown in orange shape above). The notified designation boundary is shown in blue.</p>
<p>Land ownership (LINZ):</p>	<p>Road</p>
<p>Assessment:</p>	<p>The rail network is linear, however the Proposed Plan as notified shows a gap in the rail designation at the location shown above. In this instance, the level crossing extends over land identified as road. KiwiRail will accept a narrower width shapefile over the road to cover the existing level crossing and reflect current land use.</p> <p>The minor change to the designation would border the designated rail corridor to the north and south, and the road network to the east and west. The change is deemed to be minor and will not be prejudicial to any other parties.</p>



<p>Minor change sought (Sch 1, cl 16):</p>	<p>Include rail infrastructure (shown in orange shape above). The notified designation boundary is shown in blue.</p>
<p>Land ownership (LINZ):</p>	<p>Road</p>
<p>Justification:</p>	<p>The rail network is linear, however the Proposed Plan as notified shows a gap in the rail designation at the location shown above. In this instance, the level crossing extends over land identified as road. KiwiRail will accept a narrower width shapefile over the paper road to cover the existing level crossing and reflect current land use.</p> <p>The minor change to the designation would border the designated rail corridor to the north and south, and a paper road to the east and west. The change is deemed to be minor and will not be prejudicial to any other parties.</p>



<p>Minor change sought (Sch 1, cl 16):</p>	<p>Include Seadown Road rail level crossing (shown in orange shape above).</p>
<p>Land ownership (LINZ):</p>	<p>Road</p>
<p>Justification:</p>	<p>The rail network is linear, however the Proposed Plan as notified shows a gap in the rail designation at the location shown above. In this instance, the level crossing extends over land identified as road. KiwiRail will accept a narrower width shapefile over the paper road to cover the existing level crossing and reflect current land use.</p> <p>The minor change to the designation would border the designated rail corridor to the north and south, and a Seadown Road to the north east and south west. The change is deemed to be minor and will not be prejudicial to any other parties.</p>



<p>Minor change sought (Sch 1, cl 16):</p>	<p>Include full extent of existing rail asset Bridge 79, Main South Line which extends over Washdyke Creek. Area to be included shown as orange shape above. The notified designation boundary is shown in blue.</p>
<p>Land ownership (LINZ):</p>	<p>Hydro parcel</p>
<p>Assessment:</p>	<p>The land is currently used for Railway Purposes and the designation should reflect this. KiwiRail will accept a narrower width shapefile over the hydro parcel to cover the bridge and piers below only. It is important to include all existing rail assets within district plans to identify existing infrastructure and illustrate the linear nature of the rail network. This is the accepted approach taken with other councils throughout New Zealand.</p> <p>The hydro parcel to the east and west of the rail bridge is not in private ownership. Therefore the change to include the existing bridge asset is deemed to be minor and will not be prejudicial to any other parties.</p>



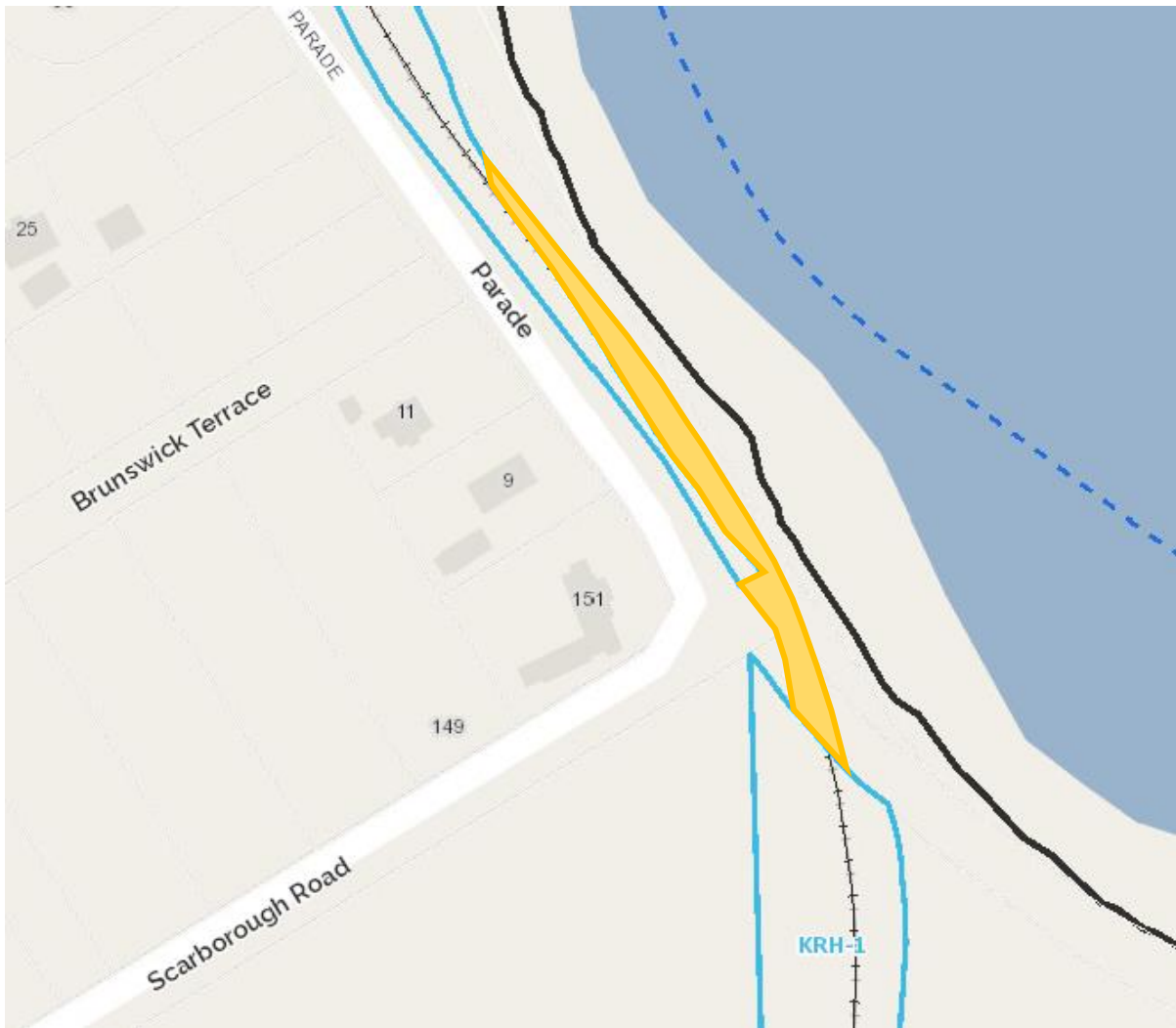
<p>Minor change sought (Sch 1, cl 16):</p>	<p>Include rail infrastructure (shown in orange shape above). The notified designation boundary is shown in blue.</p>
<p>Land ownership (LINZ):</p>	<p>Hydro parcel</p>
<p>Assessment:</p>	<p>Land is currently used for Railway Purposes and the designation should reflect this. KiwiRail will accept a narrower width shapefile over the hydro parcel to cover rail infrastructure. As can be seen in the aerial, the hydro parcel extends over dry land and this minor change is a correction to include track infrastructure. It is important to include all existing rail assets within district plans to illustrate what infrastructure exists and the linear nature of the rail corridor.</p> <p>The hydro parcel to the east and west of the rail bridge is not in private ownership. The change is deemed to be minor and will not be prejudicial to any other parties.</p>



<p>Minor change sought (Sch 1, cl 16):</p>	<p>Realign designation boundary to accurately follow railway as shown in red line above. The notified designation boundary is shown in blue.</p>
<p>Land ownership (LINZ):</p>	<p>Railway New Zealand Gazette 1978 p 3206</p>
<p>Assessment:</p>	<p>The land is currently used for Railway Purposes and is administered by KiwiRail. The designation should be corrected to reflect gazette and current land use.</p> <p>The land to the north is identified as road and land to the west and south of the amended boundary is listed for Railway Purposes in NZ Gazette 1978 p 3206. The amendment will decrease the designation to the south and extend it slightly further adjacent to the level crossing. The realignment to respect existing rail assets is deemed to be minor and will not be prejudicial to any other parties.</p>



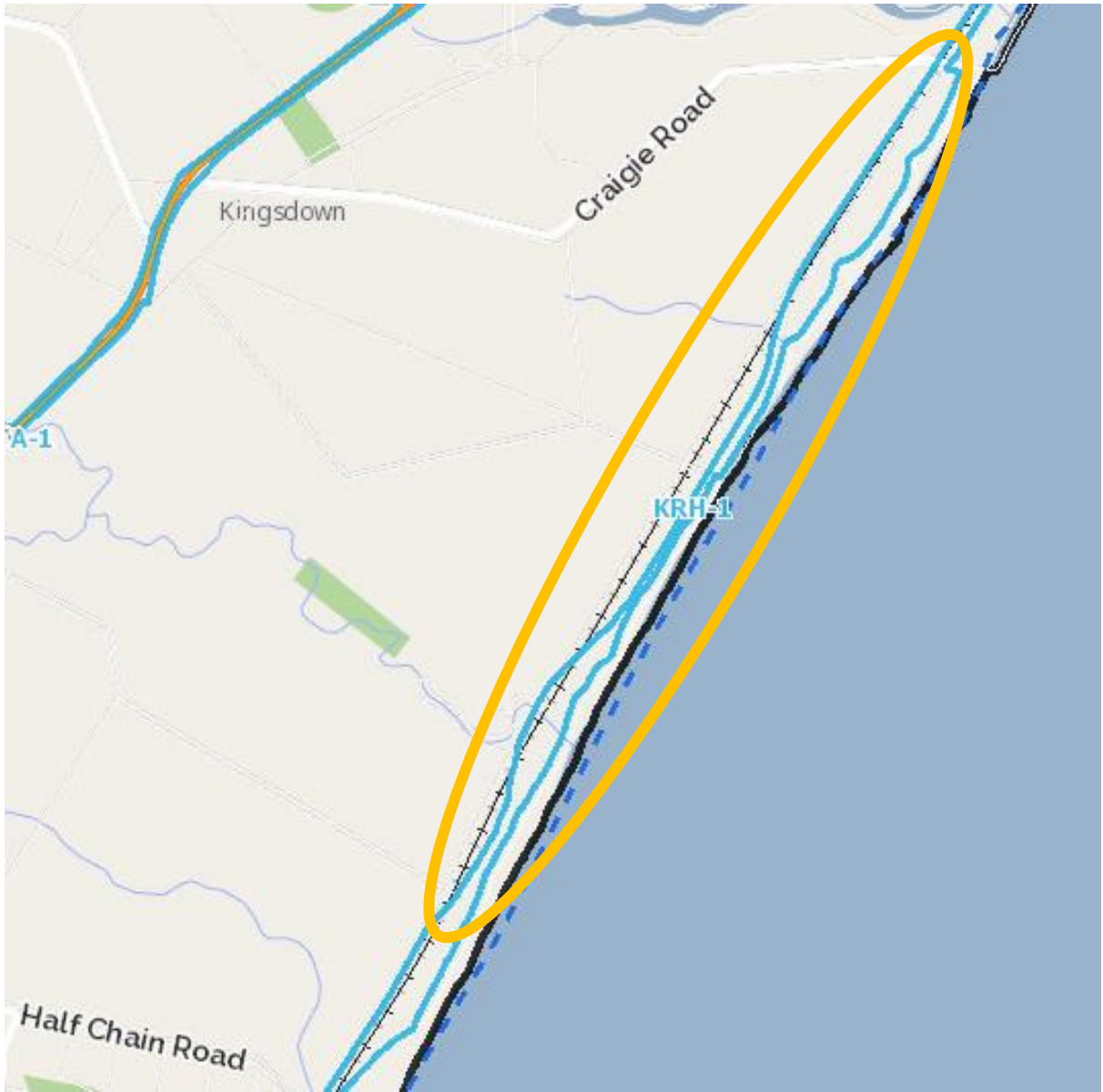
<p>Minor change sought (Sch 1, cl 16):</p>	<p>Realign designation boundary to accurately follow rail land boundaries as shown in red line above. The notified designation boundary is shown in blue.</p>
<p>Land ownership (LINZ):</p>	<p>Railway DI 54D875 Railway New Zealand Gazette 1978 p 2418 Railway New Zealand Gazette 1978 p 3362 Railway DI 46D673 Railway Sec 16 Government Railways Act 1887</p>
<p>Assessment:</p>	<p>The land is currently used for Railway Purposes and is administered by KiwiRail. The designation should be corrected to reflect current land use and ownership.</p> <p>To the north, the minor change sought is to include existing KiwiRail pedestrian overpass Bridge 89 MSL over Strathallan Street. The western minor change is to include a garden strip of rail land currently leased to Timaru District Council, the Timaru Station platform and an existing signals building, and remove part of a car park. The eastern minor change is to include existing rail infrastructure and align with KiwiRail land holdings. In all cases, KiwiRail is seeking to include land which is currently administered by KiwiRail and contains existing KiwiRail assets. KiwiRail considers that it is commonly understood that the land is used for railway purposes, the changes are deemed to be minor and will not be prejudicial to any other parties.</p>



<p>Minor change sought (Sch 1, cl 16):</p>	<p>Include full extent of existing Main South Line rail assets. Area to be included shown as orange shape above. The notified designation boundary is shown in blue.</p>
<p>Land ownership (LINZ):</p>	<p>Crown land Road</p>
<p>Assessment:</p>	<p>The rail network is linear, however the Proposed Plan as notified shows a gap in the rail designation at the location shown above. In this instance, the level crossing extends over land identified as crown land and road. KiwiRail will accept a narrower width shapefile over the land and road to cover the existing railway and level crossing and reflect current land use.</p> <p>The minor change to the designation would border the designated rail corridor to the north and south, and a Scarborough Road to the west. KiwiRail considers that it is commonly understood that the land is used for railway purposes, and the change is deemed to be minor and will not be prejudicial to any other parties.</p>



<p>Minor change sought (Sch 1, cl 16):</p>	<p>Realign designation boundary east of Normanby Lagoon to accurately follow rail land boundaries as shown in yellow line above. The notified designation boundary is shown in blue.</p>
<p>Land ownership (LINZ):</p>	<p>Railway DI 7CS937</p>
<p>Assessment:</p>	<p>The land is currently used for Railway Purposes and is administered by KiwiRail. The designation should be corrected to reflect current land use and ownership.</p> <p>KiwiRail considers that technology improvements have been made since the previous designation was mapped and we are seeking to 'smooth out' the designation to align with true land boundaries. KiwiRail is seeking to include land which is currently identified as rail land administered by KiwiRail and contains existing KiwiRail assets. KiwiRail considers that it is commonly understood that the land is used for railway purposes and the minor change will not be prejudicial to any other parties.</p>





<p>Minor change sought (Sch 1, cl 16):</p>	<p>Realign designation boundary to accurately follow rail land and include existing rail assets within the orange circle and red above. The notified designation boundary is shown in the first extract above in blue. The correct land holdings is shown in the second extract above in red.</p>
<p>Land ownership (LINZ):</p>	<p>Railway - Part RS 3753 Railway Purposes New Zealand Gazette 1980 p 3643 Purposes of the Main South Railway New Zealand Gazette 1981 p 2507 Railway Sec 16 Government Railways Act 1887</p>
<p>Assessment:</p>	<p>The land is currently used for Railway Purposes and is administered by KiwiRail. The designation should be corrected to reflect current land use and ownership. The notified boundaries fail to include existing assets and do not follow KiwiRail land holding boundaries.</p> <p>KiwiRail considers that technology improvements have been made since the previous designation was mapped and we are seeking to 'smooth out' the designation to align with true land boundaries. KiwiRail is seeking to remove land which isn't rail land and include land which is currently identified as rail land administered by KiwiRail containing existing KiwiRail assets. No changes to legal access will be affected by this change. KiwiRail considers that it is commonly understood that the land is used for railway purposes and the minor change will not be prejudicial to any other parties.</p>

Michelle Reeves

From: Sheena McGuire <Sheena.McGuire@kiwirail.co.nz>
Sent: Wednesday, 21 December 2022 12:23 pm
To: PDP
Subject: RE: KiwiRail submission - Proposed Timaru District Plan
Attachments: 636102-Template-Form-5-Submission-on-proposed-plan-change-or-variation.pdf;
KiwiRail submission - Proposed Timaru District Plan.pdf

Kia ora Jane,

Please see attached.

Ngā mihi,

Sheena McGuire | RMA Advisor

MOB: +64 27 227 7780

Wellington Railway Station, Bunny Street, Wellington 6011 | PO Box 593, Wellington 6140, New Zealand



www.kiwirail.co.nz

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From: PDP <pdp@timdc.govt.nz>
Sent: 21 December 2022 12:14
To: Sheena McGuire <Sheena.McGuire@kiwirail.co.nz>
Subject: RE: KiwiRail submission - Proposed Timaru District Plan

CAUTION EXTERNAL EMAIL: Do not click links or open attachments unless you know the content is safe.

Good afternoon Sheena,

Thank you for your submission. Please fill out the attached Submission Form 5 so as to ensure all the required questions are responded to and resend it with your submission so that it may be processed.

Regards

Jane



Timaru District Council | PO Box 522 | Timaru 7940
P: 03 687 7200 | W: www.timaru.govt.nz

From: sasm <sasm@timdc.govt.nz>
Sent: Wednesday, 21 December 2022 12:10 pm

To: PDP <pdp@timdc.govt.nz>

Subject: FW: KiwiRail submission - Proposed Timaru District Plan



Timaru District Council | PO Box 522 | Timaru 7940
P: 03 687 7200 | W: www.timaru.govt.nz

From: Sheena McGuire <Sheena.McGuire@kiwirail.co.nz>

Sent: Thursday, 15 December 2022 4:48 pm

To: sasm <sasm@timdc.govt.nz>

Subject: KiwiRail submission - Proposed Timaru District Plan

Kia ora,

Please find attached KiwiRail's submission on the Proposed District Plan.

If you have any questions or wish to discuss please don't hesitate in contacting me.

Ngā mihi,

Sheena McGuire | RMA Advisor

MOB: +64 27 227 7780

Wellington Railway Station, Bunny Street, Wellington 6011 | PO Box 593, Wellington 6140, New Zealand



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