

20 June 2024

Independent Hearing Panel
Proposed Waitomo District Plan
Waitomo District Council
PO Box 404
Te Kūiti 3941

By email to: districtplan@waitomo.govt.nz

Dear Commissioners,

Proposed Waitomo District Plan – Tranche 1

KiwiRail Holdings Limited (**KiwiRail**) made a submission on the Proposed Waitomo District Plan (**Proposed Plan**) on 23 December 2022. A number of KiwiRail's submission points on the Proposed Plan have been allocated to the Tranche 1 hearing topics.¹

KiwiRail is the State-Owned Enterprise responsible for the management and operation of the national railway network. This includes managing railway infrastructure and land, as well as rail freight and passenger services within New Zealand. KiwiRail is also the Requiring Authority for land designated "Railway Purposes" in District Plans throughout New Zealand.

KiwiRail's network is a nationally and regionally significant infrastructure asset. The rail network is critical to the safe and efficient movement of people and goods throughout New Zealand and forms an essential part of the national transportation network and the wider supply chain. The benefits of rail to New Zealand's economy were estimated in 2019 to be around \$1.7 – 2.1 billion.² The designated rail corridor of the North Island Main Trunk Line (**NIMT**) passes through the Waitomo District and is a key part of the national rail network. Through the Proposed Plan, KiwiRail seeks to protect its ability to operate, maintain and upgrade the NIMT and associated rail infrastructure in the district.

KiwiRail generally supports the Council Officers' recommendations contained in the Section 42A Reports for the Tranche 1 hearing topics in relation to its submission points. I have set out KiwiRail's submission points which have been accepted by the Council Officers in Appendix 1 to this letter.³

The Section 42A Report author for the District-Wide Matters chapters (Ms O'Callaghan) recommends that one KiwiRail submission point be rejected.⁴ KiwiRail sought a new rule in the Temporary Activities chapter of the Proposed Plan to allow for the establishment of temporary buildings and structures ancillary to construction work, given there appears to be a lack of provision for temporary worksites to carry out works to the rail corridor (which may be adjacent to transport or other infrastructure).⁵ This was rejected by Ms O'Callaghan on the basis that Rule TEMP-R8 already provides for this matter and is generally more lenient than the rule proposed by KiwiRail.⁶ KiwiRail accepts this position and will not pursue this relief further.

¹ Submission points 51.09, 51.38 – 51.41 and 51.44 – 51.49.

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

³ Submission points 51.09, 51.38 – 51.41 and 51.47 – 51.48.

⁴ Submission point 51.43.

⁵ Submission on Proposed Waitomo District Plan dated 23 December 2022 at pg 8.

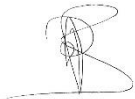
⁶ Section 42A Report – District-Wide Matters: Noise, Signs, Temporary Activities, Relocated Buildings and Light dated 27 March 2024 at pg 30-31 and 68.



I note that four of KiwiRail's submission points (which were initially allocated to the Tranche 1 hearing topics) have not been addressed in the Section 42A Reports for those topics.⁷ Ms O'Callaghan has indicated these submission points will be addressed in the Network Utilities chapter of the Proposed Plan. I can confirm that KiwiRail is happy with this approach.

At this stage, KiwiRail does not wish to be heard at the Tranche 1 hearings and respectfully requests this letter is tabled as a record of KiwiRail's position on the relevant topics. I am available to answer any questions from the Hearing Panel either in writing or via videoconference if required.

Yours faithfully,

A handwritten signature in black ink, appearing to be "Pam Butler".

Pam Butler

Senior RMA Advisor

KiwiRail Holdings Limited

⁷ Submission points 51.44 – 51.46 and 51.49.



Appendix 1 – KiwiRail's Tranche 1 submission points

Provision	Relief sought in KiwiRail's submission	Council Officer's recommendation on KiwiRail's submission point
SUB-O10	Retain as proposed: "Subdivision is designed to avoid or mitigate any adverse effects on the operation, maintenance and access to established network utilities and regionally significant infrastructure". ⁸	Accepted ⁹
SUB-P3	Retain as proposed: "Discourage subdivision that would: [...] 8. Compromise the efficient provision of established network utilities and regionally significant infrastructure; [...]". ¹⁰	Accepted ¹¹
EW-P1	Retain as proposed: "Enable earthworks where they maintain the stability of land, buildings, structures and network utilities while minimizing: [...]". ¹²	Accepted ¹³
SIGN-O2	Retain as proposed: "Signs visible from the transport system and railways must not compromise the safety of the transport system". ¹⁴	Accepted ¹⁵
SIGN-R15	Amend SIGN-R15 to remove the requirement that "signs must not be located in or project over the railway corridor". The railway itself may contain signs (which this standard prevents as proposed) and there are several criteria within the standard that will ensure that sign location is safe relative to railway corridor operations. ¹⁶	Accepted ¹⁷

⁸ Submission on Proposed Waitomo District Plan dated 23 December 2022 at pg 8.

⁹ Section 42A Report – Subdivision dated 27 March 2024 at pg 33.

¹⁰ Submission on Proposed Waitomo District Plan dated 23 December 2022 at pg 8.

¹¹ Section 42A Report – Subdivision dated 27 March 2024 at pg 36.

¹² Submission on Proposed Waitomo District Plan dated 23 December 2022 at pg 8.

¹³ Section 42A Report – Earthworks dated 7 June 2024 at pg 10.

¹⁴ Submission on Proposed Waitomo District Plan dated 23 December 2022 at pg 11.

¹⁵ Section 42A Report – District-Wide Matters: Noise, Signs, Temporary Activities, Relocated Buildings and Light dated 27 March 2024 at pg 63.

¹⁶ Submission on Proposed Waitomo District Plan dated 23 December 2022 at pg 11.

¹⁷ Section 42A Report – District-Wide Matters: Noise, Signs, Temporary Activities, Relocated Buildings and Light dated 27 March 2024 at pg 66.



NOISE-O3	Retain as proposed: "New noise sensitive activities are designed and/or located to minimise conflict and reverse sensitivity effects." ¹⁸	Accepted ¹⁹
Regionally significant infrastructure definition	Amend the definition to update the current reference to the Waikato Regional Policy Statement (" RPS ") maps showing regionally significant infrastructure, which is now on " <u>5.2.8 Significant transport infrastructure maps of the RPS</u> ". ²⁰	Accepted ²¹

¹⁸ Submission on Proposed Waitomo District Plan dated 23 December 2022 at pg 8.

¹⁹ Section 42A Report – District-Wide Matters: Noise, Signs, Temporary Activities, Relocated Buildings and Light dated 27 March 2024 at pg 41.

²⁰ Submission on Proposed Waitomo District Plan dated 23 December 2022 at pg 3.

²¹ Section 42A Report – Rural Production Zone dated 27 March 2024 at pg 50.

