

21 November 2022

Waimakariri District Council
Proposed District Plan
Private Bag 1005
RANGIORA 7440

By email: developmentplanning@wmk.govt.nz

**KIWI RAIL FURTHER SUBMISSION ON PROPOSED WAIMAKARIRI DISTRICT PLAN AND
VARIATION 1: HOUSING INTENSIFICATION**

NAME OF SUBMITTER:

KiwiRail Holdings Limited (KiwiRail)

ADDRESS FOR SERVICE:

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Wellington Railway Station
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Attention: Sheena McGuire

Email: Sheena.McGuire@kiwirail.co.nz

Background

1. KiwiRail made a submission on the Proposed Waimakariri District Plan ("**Proposed Plan**") (submitter 373) and Variation 1: Housing Intensification ("**Variation 1**") (submitter 51).
2. KiwiRail makes the following further submission on submissions to the Proposed Plan and Variation 1, as set out in the **attached** schedule.
3. For the submissions that KiwiRail supports, KiwiRail considers that the relief sought should be allowed because it:
 - (a) will promote the sustainable management of the natural and physical resources in the Waimakariri district, and is therefore consistent with Part 2 and other provisions of the Resource Management Act 1991 (**RMA**) and the Enabling Housing Supply Amendment Act 2021 (**Amendment Act**);
 - (b) is consistent with other relevant planning documents, including the Otago Regional Policy Statement and National Policy Statement for Urban Development 2020;
 - (c) will meet the reasonably foreseeable needs of future generations;
 - (d) will avoid, remedy or mitigate actual and potential adverse effects on the environment;



- (e) will enable the social, economic and cultural wellbeing of the people of the Waimakariri district; and
 - (f) is the most appropriate way to achieve the objectives of the Proposed Plan and Variation 1 in terms of section 32 of the RMA.
4. For the submissions that KiwiRail opposes, KiwiRail considers that the relief sought should be declined because it:
- (a) will not promote the sustainable management of the natural and physical resources in the Waimakariri district, and is therefore contrary to, or inconsistent with, Part 2 and other provisions of the RMA and the Amendment Act;
 - (b) is inconsistent with other relevant planning documents, including the Otago Regional Policy Statement and National Policy Statement for Urban Development 2020;
 - (c) will not meet the reasonably foreseeable needs of future generations;
 - (d) will not avoid, remedy or mitigate actual and potential adverse effects on the environment;
 - (e) will not enable the social, economic and cultural wellbeing of people of the Waimakariri district; and
 - (f) is not the most appropriate way to achieve the objectives of the Proposed Plan and Variation 1 in terms of section 32 of the RMA.
5. For those submissions that KiwiRail supports, KiwiRail seeks that they be allowed, and for those that are opposed, KiwiRail seeks that they be disallowed.
6. KiwiRail wishes to speak to its submission and further submission. KiwiRail could not gain an advantage in trade competition through this further submission.

Yours faithfully

A handwritten signature in black ink, appearing to read "Sheena McGuire".

Sheena McGuire
RMA Advisor
KiwiRail Holdings Limited

SCHEDULE 1 – PROPOSED PLAN

Submitter and Submission ID	Submitter #	Relevant Provision	Original Submission Point	Support / Oppose	Reasons for Support or Opposition	Decision Sought
Fulton Hogan - Tim Ensor	41.1	Definitions – Biodiversity offset	Amendment sought: Amend 'biodiversity offset' definition to allow offsetting without the sequential application of the mitigation hierarchy: "... a. compensate for more than minor residual adverse biodiversity effects arising from subdivision, use or development after appropriate avoidance, remediation and mitigation measures have been sequentially applied; and ..."	Support	KiwiRail agrees that the definition, as proposed, lacks discretion regarding its application and the pathway taken.	Adopt amendment sought in submission
	41.16	UFD-P2	Amendment sought: Amend UFD-P2: "... 2. for new Residential Development Areas, other than those identified by (1) above, avoid residential development unless located so that they: ... h. are resilient to natural hazards and the likely current and future effects of climate change as identified in SD-O6; and i. avoids reverse sensitivity effects. "	Support	KiwiRail agrees that reverse sensitive effects resulting from urban development should be a key consideration which identifying new residential development areas.	Adopt amendment sought in submission
	41.17	UFD-P10	Amendment sought: Amend UFD-P10, to apply to all new development areas and to take a clearer stance on reverse sensitivity effects: "Managing reverse sensitivity effects from new development Within Residential Zones and For new development areas in Rangiora and Kaiapoi : 1. avoid residential activity that has the potential to limit the efficient and effective operation and upgrade of critical infrastructure, strategic infrastructure, and regionally significant infrastructure, including avoiding noise sensitive activities within the Christchurch Airport Noise Contour, unless within an existing Residential Zone; 2. minimise avoid reverse sensitivity effects on primary production activities from activities within new development areas through setbacks and screening, without compromising the efficient delivery of new development areas. "	Support	KiwiRail supports the relief sought to broaden the application of the policy to all new development areas and not only residential zones. As stated, reverse sensitivity effects are an appropriate consideration for all urban or residential development.	Adopt amendment sought in submission
	41.23	ECO-P4	Amendment sought: Amend ECO-P4 to recognise that site specific assessment should play a role in whether vegetation clearance needs to be controlled.	Support	KiwiRail agrees that there should be a site-specific assessment to determine whether vegetation clearance is a controlled activity.	Adopt amendment sought in submission
	41.30	SUB-O1	Amendment sought: "Subdivision design achieves an integrated pattern of land use, development, and urban form, that: ... 3. supports protection of cultural and heritage values, conservation values; and 4. supports community resilience to climate change and risk from natural hazards; and	Support	Subdivision, and associated land use development that subdivision enables, can threaten the efficient operation of the rail network if not appropriately designed. KiwiRail agrees that the avoidance of reverse sensitivity should be included in this objective.	Adopt amendment sought in submission

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			<u>5. avoids reverse sensitivity effects.</u> "			
	41.31	SUB-P1	Amendment sought: " ... 2. Minimises avoids reverse sensitivity effects <u>on infrastructure</u> including through the use of setbacks; ..."	Support	KiwiRail supports the strengthening of this policy to ensure reverse sensitivity effects on infrastructure are avoided.	Adopt amendment sought in submission
	41.35	EW-P6	Amendment sought: "Avoid, <u>remedy or mitigate</u> adverse effects of earthworks on ground and surface water bodies that could result in water contamination and adverse effects on and mahinga kai."	Support	KiwiRail supports recognition of the ability to remedy or mitigate effects and to reduce the potential for conflict with regional plan provisions addressing water quality.	Adopt amendment sought in submission
	41.39	NOISE-P1	Amendment sought: Amend NOISE-P1 to require the avoidance of reverse sensitivity effects when siting sensitive activities: "NOISE-P1 Minimising Managing adverse noise effects <u>Minimise-Manage</u> adverse noise effects by: 1. limiting the noise level, location, duration, time, intensity and any special characteristics of noise generating activities, to reflect the function, character and amenity values of each zone; 2. requiring lower noise levels during night hours compared to day time noise levels to protect human health, natural values and amenity values of sensitive environments; and 3. requiring sound insulation, or limiting avoiding the location on of noise sensitive activities where they may be exposed to noise from existing activities."	Support in part	KiwiRail agrees that adverse effects of an existing established use should be addressed in policy. However, KiwiRail support the requirement for sound insulation when adequate physical separation cannot be achieved. The rail corridor extends through the district and development occurs along this corridor. KiwiRail seeks both physical setbacks and acoustic insulation of new noise sensitive activities to address reverse sensitive activities.	Accept the amendment to clause 3. only as follows: Minimise adverse noise effects by: 1. limiting the noise level, location, duration, time, intensity and any special characteristics of noise generating activities, to reflect the function, character and amenity values of each zone; 2. requiring lower noise levels during night hours compared to day time noise levels to protect human health, natural values and amenity values of sensitive environments; and 3. requiring sound insulation, or limiting-avoiding the location on of noise sensitive activities where they may be exposed to noise from existing activities."
	41.53	NATC-P5	Support	Support	KiwiRail agrees that some activities, such as bridges and culverts have a functional or operational need to be located within setbacks of water bodies.	Accept submission
Incite - Chris Horne - on behalf of Chorus New Zealand, Spark New Zealand Trading Limited, Vodafone New Zealand Limited	62.36	EI-MD3	Amendment sought: Amend: EI-R2, EI-R4, EI-R7, EI-R8, EI-R9, EI-R11, EI-R12, EI-R13, EI-R14, EI-R15, EI-R16, EI-R17, EI-R36, EI-R40 by including EI-MD3 as a matter of discretion where permitted activity standards are not met.	Support	KiwiRail agrees that operational considerations should be a matter of discretion for infrastructure.	Adopt amendment sought in submission
	62.46	ECO-MD1	Amendment sought: Amend ECO-MD1 by adding a further clause: " ... <u>x. In respect of infrastructure, the extent to which the proposed infrastructure has a functional need or operational need for its location, and whether alternative locations or layout/methodology would be suitable.</u> "	Support	KiwiRail supports the additional clause to include an assessment matter addressing the functional and operational need of infrastructure.	Adopt amendment sought in submission



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	62.47-49	NFL-P1 – NFL-P4	Amendment sought: Amend so EI-P5 must be considered in regard to infrastructure, e.g: "... <u>x.in regard to infrastructure, the matters outlined above shall be subject to a consideration of the extent to which the infrastructure may be appropriate under Policy EI-P5.</u> "	Support	KiwiRail supports the addition of a clause which refers to the Energy and Infrastructure Chapter.	Adopt amendment sought in submission
NZPork - Penny Cairns	169.22	EW-O1	Amendment sought: "Earthworks are undertaken in a way that minimises adverse effects on amenity values, cultural values, property, infrastructure and the health and safety of people and the environment. Earthworks necessary for the construction, maintenance or operation of activities are enabled, provided that adverse environmental effects, including effects on health and safety and natural hazards, are avoided, remedied or mitigated."	Oppose	KiwiRail rejects the deletion of this objective which seeks to minimise adverse effects on infrastructure specifically. KiwiRail seeks to ensure that earthworks do not result in adverse effects on rail infrastructure.	Reject amendment sought
Royal Forest and; Bird protection Society of New Zealand Inc. (Forest and; Bird) - Nicky Snoyink	192.39	EI-P5	Amendment sought: Reduce the scope of infrastructure in EI-P5 to limit the types of infrastructure that can avail themselves of EI-P5(3) and (4), or delete (5). (5) consider biodiversity offset for residual adverse effects on indigenous biodiversity that cannot otherwise be avoided, remedied or mitigated	Neutral	KiwiRail has an interest in the relief sought and seeks to remain included in any definition of infrastructure.	Adopt amendment sought in submission
Transpower New Zealand Limited - Ainsley McLeod	195.22	UFD-P10	Amendment sought: "Managing reverse sensitivity effects, including reverse sensitivity effects, from and on new development Within Residential Zones and new development areas in Rangiora and Kaiapoi: 1. avoid residential activity development that has the potential to be impacted by or limit the efficient and effective operation, <u>maintenance</u> and upgrade of critical infrastructure, strategic infrastructure, and regionally significant infrastructure, including avoiding noise sensitive activities within the Christchurch Airport Noise Contour, unless within an existing Residential Zone; ..."	Support	KiwiRail agrees with the relief sought for the purpose of clarity. KiwiRail supports broadening all activities relating to infrastructure.	Adopt amendment sought in submission
	195.23	Introduction	Amendment sought: Amend other potentially relevant District Plan provisions to explicitly set out where the Energy and Infrastructure provisions prevail and where (through direct cross reference) other chapters include relevant rules.	Support	KiwiRail supports amendment to the Proposed Plan to assist with correct implementation of rules relating to infrastructure.	Adopt amendment sought in submission
	195.25	EI-O2	Amendment sought: "Adverse effects of energy and infrastructure on the qualities and characteristics of surrounding environments and community well-being are managed avoided , remedied or mitigated. "	Support	KiwiRail supports this amendment to include offsetting and compensation to manage adverse effects.	Adopt amendment sought in submission
	195.29	EI-P5	Amendment sought:	Support	KiwiRail supports the amendments to this policy. The changes provide clarity for correct interpretation of the policy.	Adopt amendment sought in submission



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			<p>"1. enabling or providing for the ongoing operation, maintenance, repair, renewal, removal and minor upgrade of existing energy and infrastructure;</p> <p>2. avoiding, remedying or mitigating adverse effects of more than minor upgrades to existing energy and infrastructure, including effects on:</p> <p>...</p> <p>c. <u>an existing</u> sensitive activity;</p> <p>...</p> <p>3. new energy and infrastructure, or major upgrades to existing energy and infrastructure, should, to the extent considered-practicable, ensure that the route or site is located outside of the following types of sensitive environments to protect such environments from significant adverse effects, taking into account the constraints imposed by the functional need or operational need of the energy and infrastructure:</p> <p>...</p> <p><u>x. the development of new energy and infrastructure, or major upgrades to existing energy and infrastructure, should be used as an opportunity to reduce existing adverse effects where appropriate to do so;</u></p> <p>4. where new energy and infrastructure, or major upgrades to existing energy and infrastructure, cannot locate outside of the sensitive environments in (3) above, the energy and infrastructure should, to the extent considered-practicable, ensure that the proposed route, site, structure and construction method demonstrate the following, taking into account the constraints imposed by the functional need or operational need of the energy and infrastructure:</p>			
	195.40	EI-R23	<p>Amendment sought:</p> <p>"EI-R23 Construction of new, <u>or widening or extension of existing</u>, vehicle access tracks ancillary to infrastructure that which are located in specified sensitive environments."</p>	Support	KiwiRail supports amendment to include track widening and extension within this provision.	Adopt amendment sought in submission
	195.46	EI-MD2	<p>Amendment sought:</p> <p>1. The practicality and effectiveness of screening the infrastructure, <u>where necessary</u>.</p> <p>2. For infrastructure attached to other structures, the extent to which the infrastructure is within the visual envelope of an existing structure, and the extent to which the colour and design of the infrastructure corresponds to the existing structure.</p> <p>3. The extent of consideration of the number, size, location and design of any other existing infrastructure in the vicinity.</p> <p>4. The extent to which any adverse effects of the infrastructure have been avoided, remedied or mitigated by the route, site and construction method selection.</p> <p>5. The extent to which the location and size of the infrastructure impacts on the ability of people to access any existing facility or activity on the site.</p> <p><u>x. The benefits of the infrastructure."</u></p>	Support	KiwiRail support the benefits of infrastructure being included as a matter of discretion.	Adopt amendment sought in submission



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	195.58	NH-P13	Amendment sought: "Only allow for the new and upgrading of existing above ground critical infrastructure in high flood hazard or high coastal flood hazard areas where: 1. there is a functional need or operational need for that location and there are no practical alternatives ;	Support	KiwiRail agrees that 'No practical alternative' is broad and subjective. KiwiRail supports the relief proposed.	Adopt amendment sought in submission
	195.61	NH-R6	"Where: 1. if located with the Fault Awareness Overlay, new critical infrastructure or an extension to existing infrastructure has a footprint of less than 100m ² per structure ; and 2. if located within a Flood Assessment Overlay or the Kaiapoi Fixed Minimum Finished Floor Level Overlay: ... c. new infrastructure or an extension to existing infrastructure: i. has a footprint of less than 10m ² per structure ; or ..."	Support	KiwiRail supports clarification of the m ² amount per structure.	Adopt amendment sought in submission
	195.76	ECO-MD1	Amendment sought: " ... x. The benefits of, and rationale for, the activity requiring vegetation clearance; y. the functional need and operational need of the activity requiring vegetation clearance. "	Support	KiwiRail supports inclusion of two additional matters of discretion. These matters ensure that benefits of infrastructure, and the operational and functional need of infrastructure are considered.	Adopt amendment sought in submission
	196.78	NATC-P6	Amendment sought: Provide for new structures, and upgrades to existing structures, on or over the surface of freshwater where: 1. public access to, and along, the freshwater body is maintained; 2. the structure has a functional need or operational need to be located on or over the surface of freshwater; 3. the structure does not unreasonably compromise the use of the surface of freshwater for existing users; 4. the structure does not disturb have a significant adverse effect on the habitat of indigenous species or hinder passage of migratory fish species; 5. the structure avoids to the extent practicable creating new, or exacerbating existing natural hazards, or river or stream bank erosion; and 6. any adverse effects to the natural character and cultural values, associated with freshwater bodies are avoided, remedied or mitigated in order to preserve those values."	Support	KiwiRail supports the proposed amendments to ensure structures, such as bridges, which extend over water bodies are included.	Adopt amendment sought in submission
	195.85 195.86 195.88 195.89 195.90	NFL-O1 NFL-O2 NFL-P1 NFL-P3 NFL-P4	Amendment sought: "Outstanding natural landscapes are protected from inappropriate land use or development that would adversely affect the values of these landscapes."	Support	KiwiRail supports amendments to better align with the RMA and to provide linkages to relevant sections of the plan relating to infrastructure.	Adopt amendment sought in submission



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			Add reference: <u>except where Policy EI-P5 applies, by</u>			
	195.103 195.105	EW-P1 EW-R	Amend EW-P1 by adding a new line: "Enable earthworks where they: ... <u>x. enable the on-going operation, maintenance, repair, upgrading and development of infrastructure.</u> " Amend earthworks rules to include a consenting pathway for earthworks for the operation, maintenance and upgrading of existing infrastructure where necessary for repairs or to achieve mandatory ground to conductor clearance violations.	Support	KiwiRail supports provision for earthworks required for the on-going operation, maintenance, repair, upgrading and development of infrastructure.	Adopt amendment sought in submission
Martin Pinkham	199.1	TRANS	That integrated public transport hubs be established at Main North Road / Tram Road / Doubledays Road intersections, on the west side of the NIMT railway near Marsh Road Southbrook, and between Ashley Street and NIMT and north of High Street Rangiora.	Oppose in part	Any proposed transport hub adjacent to the rail corridor would have to be assessed in consultation with KiwiRail to ensure there are no unacceptable impacts on the safe and efficient operation of the rail network.	Reject amendment sought
Boffa Miskell - Stephanie Styles - on behalf of Summerset Retirement Villages (Rangiora) Ltd	207.10	NH-O1	Amend NH-O1: "New subdivision, land use and development, other than new critical infrastructure: 1. manages natural hazard risk, including coastal hazards, in the existing urban environment to ensure that any increased risk to people and property is low <u>is avoided in areas where the risks from natural hazards to people, property and infrastructure are assessed as being unacceptable; and in all other areas, is undertaken in a manner that ensures that the risks of natural hazards to people, property and infrastructure are appropriately mitigated;</u> ..."	Support	KiwiRail supports provision for new critical infrastructure which includes rail infrastructure.	Adopt amendment sought in submission
	207.20	EW-S2	Delete standard	Support	KiwiRail supports the submission to remove standards that seek to control very minor earthworks with minimal effects.	Adopt amendment sought in submission
Chapman Tripp - Ben Williams, Kirsty Jacomb - on behalf of Waimakariri Irrigation Limited	210.6	NH-P12	Amendment sought: "Only allow for the new and upgrading of existing above ground critical infrastructure in high flood hazard or high coastal flood hazard areas where: 1. there is a functional need or operational need for that location and there are no practical alternatives;	Support	KiwiRail agrees that 'No practical alternative' is broad and subjective. KiwiRail supports the relief proposed.	Adopt amendment sought in submission
	210.7	NH-P14	Amendment sought: ... 3. enable small scale critical infrastructure and other infrastructure in the Fault Awareness Overlay, while ensuring that larger critical infrastructure does not increase the risk to life or property from natural hazard events unless: ..."	Support	KiwiRail agrees that the policy should be amended to relate to all infrastructure.	Adopt amendment sought in submission
	210.31 210.32	NATC-P5 NATC-P6	Amendment sought: Amend NATC-P5: "Enable activities that have a functional need or operational need to be located within the freshwater body setbacks, provided that adverse effects on natural	Support	KiwiRail supports the requested amendments to these policies and agrees that offset should be provided for as an option when there is a functional or operational need for activities to be located within a freshwater body.	Adopt amendment sought in submission



Submitter and Submission ID	Submitter #	Relevant Provision	Original Submission Point	Support / Oppose	Reasons for Support or Opposition	Decision Sought
			character values are avoided, remedied or mitigated, <u>or offset</u> ."			
			Amend NATC-P6: "... 6. any adverse effects to the natural character and cultural values, associated with freshwater bodies are avoided, remedied or mitigated, <u>or offset</u> in order to preserve those values."			
	210.34	NATC-MD6	Amend NATC-MD6: "... <u>3. Where regionally significant infrastructure, including for irrigation and stockwater, has a functional and operational need to locate within the applicable setback width.</u> "	Support	KiwiRail supports the inclusion of an addition matter of discretion requiring consideration of the functional and operational need for infrastructure to be located within proximity to a freshwater body.	Adopt amendment sought in submission
	210.54	EW-S1	Amend standards to provide for earthworks for linear infrastructure, not cubic metres per site: General Rural Zone, Rural Lifestyle Zone, Special Purpose Zone (Kāinga Nohoanga) - sites outside of Tuahiwi Precinct: 500m ³ or 100m ³ per ha, whichever is greater, <u>unless the earthworks are for the operation, maintenance or upgrading of regionally significant infrastructure that is linear in nature e.g. canals and races.</u>	Support	KiwiRail agrees with the relief sought. The rail network is linear in nature and providing for rail corridor earthworks for the operation, maintenance or upgrading of infrastructure is important.	Adopt amendment sought in submission
	210.55	EW-S2	Amend EW-S2 to provide for linear infrastructure earthworks that often lies adjacent to boundaries: "1. Earthworks more than 300mm in height or depth shall be set back a minimum of 2m from any boundary of a site in different ownership, <u>unless the earthworks are for the operation, maintenance or upgrading of regionally significant infrastructure that is linear in nature e.g. canals.</u> "	Support	As above, KiwiRail supports provision for earthworks relating to linear infrastructure such as rail.	Adopt amendment sought in submission
Concept Services - Jane West	230.3	UFD-P10	Amend UFD-P10: "1. avoid-manage residential activity that has the potential to limit the efficient and effective operation and upgrade of critical infrastructure ..."	Oppose	KiwiRail rejects the softening of this policy from 'avoid' to 'manage' reverse sensitivity effects of residential activities on critical infrastructure. Sensitive activities such as residential activities have the potential to threaten the efficient operation of the rail corridor when located within proximity of noise-generating rail activities. KiwiRail seeks retention of 'avoid' to protect existing, lawfully established critical infrastructure.	Reject amendment sought
Resource Management Group Limited - Melanie Foote	249.8 249.46	Definition of critical infrastructure	Replace the definitions of 'critical infrastructure', 'regionally significant infrastructure', and 'strategic infrastructure' with a new definition 'important infrastructure'. " <u>Important Infrastructure</u> <u>Those necessary facilities, services, and installations which are critical or of significance to either New Zealand, Canterbury, or Waimakariri. This may include but are not limited to:</u> <u>a. Strategic transport network</u> <u>b. Christchurch International Airport</u> <u>c. Telecommunication networks</u> <u>d. National, regional and local electricity generation activities undertaken by a Electricity Operator as defined by the Electricity Act 1992</u> <u>e. Electricity distribution networks</u> <u>f. Electricity transmission networks</u> <u>g. Public and community wastewater collection, treatment</u>	Oppose	KiwiRail rejects the deletion of definitions for critical and regionally significant infrastructure. Critical and regionally significant infrastructure are terms commonly used and understood in national, regionally and district planning documents. KiwiRail seeks to retain the definitions as notified in the Proposed Plan. This will ensure that rules relating to infrastructure are interpreted and applied consistently and correctly throughout New Zealand.	Reject amendment sought

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			and disposal networks h. Public and community land drainage infrastructure i. Public and community stormwater infrastructure j. Public and community potable water and fire fighting supply systems infrastructure k. Public and community-scale irrigation and stockwater infrastructure l. Gas storage and distribution infrastructure m. Bulk fuel supply infrastructure including terminals, and pipelines n. Ports including inland ports o. New Zealand Defence Force facilities p. Emergency Services facilities q. Public healthcare institutions"			
	249.29	EW-P2	Amend EW-P2: "... 4. the earthworks are associated with development, maintenance, repair, upgrade of critical infrastructure and have an operational or functional need to locate within a Flood Assessment Overlay."	Support	KiwiRail supports provision for earthworks associated with critical infrastructure within a Flood Assessment Overlay.	Adopt amendment sought in submission
	249.37	General	Insert two new ECO policies: <u>"ECO-Policy A</u> <u>Provide for small scale, low impact indigenous vegetation clearance where it will enable the continued use and the maintenance of existing critical infrastructure."</u> <u>"ECO-Policy B</u> <u>Recognise that locational, operational and technical requirements for new, or upgrades to, critical infrastructure operated by network utilities operators may necessitate the removal of indigenous vegetation and habitats of indigenous fauna within ECO overlay areas."</u>	Support	KiwiRail supports the inclusion of new policies which recognise the operational and functional need of critical infrastructure to be located in certain areas.	Adopt amendment sought in submission
	249.55	EI-P1	Amend EI-P1 by including the following additional clause: <u>"acknowledging that important infrastructure can have a functional need or operational need to locate in a particular area"</u>	Support	KiwiRail supports the inclusion of new policies which recognise the operational and functional need of critical infrastructure to be located in certain areas.	Adopt amendment sought in submission
	249.60	EI-P6	Amend EI-P6: <u>"Avoid Manage</u> -adverse effects of other activities and development on energy and infrastructure, including by the following: 1. ensuring such effects do not compromise or constrain access to or the safe, effective and efficient operation, maintenance, repair, <u>replacement</u> , upgrading and development of energy and infrastructure; and ..." ...	Support	KiwiRail supports strengthening this policy to ensure adverse effects of activities on infrastructure are avoided.	Adopt amendment sought in submission
	249.114 249.115 249.117 249.118 249.120 249.121 249.123 249.124	General/Zone chapters	Insert the following new objective: <u>"Objective:</u> <u>The operation and security of critical infrastructure, strategic infrastructure and regionally significant infrastructure is not compromised by other activities."</u>	Support	KiwiRail supports the inclusion of new objectives and policies which seek to avoid reverse sensitivity effects on infrastructure.	Adopt amendment sought in submissions



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	249.126 249.127 249.129 249.130 249.132 249.133 249.135 249.136 249.138 249.139		Insert the following new policy: "Policy - Separation of incompatible activities Protect critical infrastructure, strategic infrastructure and regionally significant infrastructure by avoiding adverse effects, including reverse sensitivity effects, from incompatible activities by avoiding buildings, structures and any sensitive activities that may compromise the operation of Electricity Distribution Lines within an identified buffer corridor."			
	249.145	NATC-P5	Amend NATC-P5: "Enable activities (including the maintenance, repair, upgrade, development and operation of critical infrastructure) that have a functional need or operational need to be located within the freshwater body setbacks, provided that adverse effects on natural character values are avoided, remedied or mitigated."	Support	KiwiRail supports specific reference to all activities associated with critical infrastructure within this policy. This will help with consistent interpretation of activities.	Adopt amendment sought in submissions
	249.153	NATC-MD4	Amend NATC-MD4 by adding the following additional matter: "The functional and operational need of critical infrastructure to locate within setbacks or for a network utility to carry out maintenance, replacement, repair and upgrade."	Support	KiwiRail agrees with the relief sought and inclusion of a matter of discretion relating specifically to the functional and operational need of infrastructure to be located within and over freshwater bodies.	Adopt amendment sought in submissions
	249.154	NATC-MD5	Amend NATC-MD5 by adding additional clause: "Structures within and over freshwater bodies ... 7. or critical infrastructure, any functional or operational need to locate over a freshwater body."	Support	KiwiRail agrees with the relief sought and inclusion of a matter of discretion relating specifically to the functional and operational need of infrastructure to be located within a proximity to a freshwater body.	Adopt amendment sought in submissions
	249.200	SD-O3	Amend SD-O3: "... 2. the infrastructure needs of the community are fulfilled recognising the social, economic, environmental and cultural benefits that infrastructure provides. 3. Infrastructure: including strategic infrastructure, critical infrastructure a. is able to operate efficiently and effectively; and b. is enabled, while: i. managing adverse effects on the surrounding environment, having regard to the social, cultural and economic benefit, functional need and operational need of the infrastructure; and ii. managing reverse sensitivity effects and conflict between incompatible activities, including avoiding development which would limit the operation or development of existing and/or consented important infrastructure, regionally significant infrastructure and critical infrastructure. the adverse effects of other activities on infrastructure, including managing reverse sensitivity. iii. avoiding adverse effects on the electricity distribution network and major electricity distribution lines, including by identifying a buffer corridor within which buildings, excavations and sensitive activities will	Oppose in part	KiwiRail rejects the deletion of critical and regionally significant infrastructure within this objective. Critical and regionally significant infrastructure are terms commonly used and understood in national, regionally and district planning documents. KiwiRail seeks to retain the definitions as notified in the Proposed Plan. This will ensure that rules relating to infrastructure are interpreted and applied consistently and correctly throughout New Zealand.	Reject amendment sought

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			<u>generally not be provided for</u> ..."			
	249.245	UFD-P10	Amend UFD-P10(1): "... 1. avoid residential activity <u>and development</u> that has the potential to limit the efficient and effective operation, <u>maintenance, repair, development</u> and upgrade <u>of critical infrastructure, strategic infrastructure, and regionally significant infrastructure, important infrastructure</u> including avoiding noise sensitive activities within the Christchurch Airport Noise Contour, unless within an existing Residential Zone; ..."	Oppose in part	KiwiRail rejects the deletion of critical and regionally significant infrastructure within this objective. Critical and regionally significant infrastructure are terms commonly used and understood in national, regionally and district planning documents. KiwiRail seeks to retain the definitions as notified in the Proposed Plan. This will ensure that rules relating to infrastructure are interpreted and applied consistently and correctly throughout New Zealand.	Reject amendment sought
Christchurch International Airport Limited - Amy Hill	254.18	SD-O2	Amend SD-O2: "Urban development and infrastructure that: 1. is consolidated and integrated with the urban environment; 2. <u>does not affect the efficient operation, use, development, appropriate upgrading and safety of strategic infrastructure, critical infrastructure, and regionally significant infrastructure;</u> ..."	Support	KiwiRail agrees that the strategic direction objective should include direction for the protection of infrastructure from inappropriate urban development.	Adopt amendment sought in submission
	254.27	EI-O2	Amend EI-O2: "Adverse effects of energy and infrastructure on the qualities and characteristics of surrounding environments and community well-being are avoided, remedied or mitigated, <u>while having regard to the practical, technical and operational requirements of important infrastructure.</u> "	Support	KiwiRail supports recognition of the operational requirements of infrastructure within this objective.	Adopt amendment sought in submission
	254.30	EI-P5	Amend EI-P5: "Manage adverse effects of energy and infrastructure, <u>whilst having regard to the practical, technical and operational requirements of infrastructure,</u> including by <u>the following:</u> ..."	Support	KiwiRail supports recognition of the operational requirements of infrastructure within this policy.	Adopt amendment sought in submission
	254.31	EI-P6	Amend EI-P6: " <u>Manage Avoid</u> adverse effects of <u>other incompatible activities (including adverse reverse sensitivity effects) on and development of energy and infrastructure, including by the following:</u> 1. ensuring such effects do not compromise or constrain access to or the safe, effective and efficient operation, maintenance, repair, upgrading and development of energy and infrastructure; <u>and</u> 2. <u>avoiding the establishment of noise sensitive activities within the 50 dBA L_{dn} Air Noise Contour;</u> 3. <u>managing the risk of bird strike to aircraft using Christchurch International Airport</u> ..."	Support	KiwiRail supports strengthening the wording of this policy to avoid adverse effects of incompatible activities on infrastructure.	Adopt amendment sought in submission
	254.35	TRAN-O4	Amend TRAN-O4: " <u>Adverse effects on the</u> District's transport system <u>is protected from incompatible activities and adverse</u>	Support	KiwiRail supports the proposed amendments to protect the transport system from incompatible activities and adverse effects.	Adopt amendment sought in submission



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			effects , including reverse sensitivity effects , are avoided, remedied or mitigated.			
	254.36	TRAN-P15	Amend TRAN-P15: "Ensure, to the extent considered reasonably practicable , that other activities do not compromise the safe, effective and efficient operation, maintenance, repair, upgrading or development of the transport system, including through: ... 2. avoiding, remedying or mitigating adverse effects , including reverse sensitivity effects, on the safe, effective and efficient transport system; and providing for ease of access for service and emergency service vehicles."	Support	KiwiRail agrees that adverse effects on the transport system should be avoided.	Adopt amendment sought in submission
	254.43	SUB-O1	Amend SUB-O1: "Subdivision design achieves an integrated pattern of land use, development, and urban form that: ... 3. supports protection of cultural and heritage values, conservation values; and 4. supports community resilience to climate change and risk from natural hazards; and 5. does not give rise to adverse effects on strategic infrastructure. "	Support	Subdivision affects residential density and development and density must be set to manage development outcomes. KiwiRail agrees that subdivision must not have adverse effects on strategic infrastructure,	Adopt amendment sought in submission
	254.47	SUB-P6	Amend SUB-P6: "... i. show how other potential adverse effects on and/or from nearby existing or designated strategic infrastructure (including requirements for designations, or planned infrastructure) will be avoided, remedied or mitigated, recognising the functional need for infrastructure to be located in particular places, and the fact that this infrastructure pre-dates the residential development in the area. j. show how more than minor adverse effects on existing or designated strategic infrastructure (including requirements for designations, or planned infrastructure) will be avoided, and other minor or less than minor effects will be managed; ..."	Support	KiwiRail supports the inclusion of criteria for Outline Development Plans and adverse effects on strategic infrastructure should be treated differently to effects from infrastructure.	Adopt amendment sought in submission
Waka Kotahi NZ Transport Agency - Gemma Kean	275.4	SD-O2	Insert an additional clause in SD-O2: " (x)recognises the importance of infrastructure, including the land transport network in achieving integrated urban development; "	Support	KiwiRail supports recognition of the importance of the land transport network in this strategic direction objective.	Adopt amendment sought in submission
	275.10	UFD-P10	Amend UFD-P10(1): "... 1. Avoid residential activity that has the potential to limit the efficient, and effective and safe operation, and upgrade of critical infrastructure, strategic infrastructure, and regionally significant infrastructure, including noise sensitive activities within the Christchurch Airport Noise Contour, unless within an existing Residential Zone. ..."	Support	KiwiRail supports policy direction which seeks to avoid impact on the safe operation of infrastructure.	Adopt amendment sought in submission



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	275.12	EI-O2	Amend EI-O2: "Adverse effects of energy and infrastructure on the qualities and characteristics of surrounding environments and community well-being are avoided, remedied or mitigated, <u>while recognising the functional need and operational need of energy and infrastructure.</u> "	Support	KiwiRail supports recognition of the functional and operational need of infrastructure.	Adopt amendment sought in submission
	275.16	TRAN-O4	Amend TRAN-O4: "Adverse effects on the District's transport system from activities, including reverse sensitivity, are avoided, remedied or mitigated, <u>so that the transport system is not constrained or compromised.</u> "	Support	KiwiRail supports the addition proposed to provide clear direction on the outcome to be achieved.	Adopt amendment sought in submission
	275.17	TRAN-P1	Amend TRAN-P1(2): "... 2.ensuring adverse effects of more than minor or significant upgrades to, or the development of new, transport connections and land transport infrastructure are avoided, remedied or mitigated, <u>taking into account the functional needs and operational needs;</u> and ..."	Support	KiwiRail supports recognition of the functional and operational need of infrastructure.	Adopt amendment sought in submission
	275.22	NH-P13	Amend NH-P13: "Only allow for the new and upgrading of existing above ground critical infrastructure in high flood hazard or high coastal flood hazard areas where: 1. there is a functional need or operational need for that location, <u>including as a result of the linear nature of some infrastructure,</u> and there are no practical alternatives; ..."	Support	KiwiRail agrees with the amendment to recognise that some infrastructure, including rail, is linear in nature.	Adopt amendment sought in submission
	275.24	NFL-O1	Amend NFL-O1: "Outstanding natural features are protected, <u>as far as practicable,</u> from land use or development that would <u>have inappropriate adversely affect effects on</u> the values of these features."	Support	KiwiRail supports the proposed amendments which recognise that there may be instances where ONFs cannot be absolutely protected.	Adopt amendment sought in submission
	275.25	NFL-O2	Amend NFL-O2: "Outstanding natural landscapes are protected, <u>as far as practicable,</u> from land use or development that would <u>have inappropriate adversely affect effects on</u> the values of these landscapes."	Support	KiwiRail supports the proposed amendments which recognise that there may be instances where ONFs cannot be absolutely protected.	Adopt amendment sought in submission
	275.26	NFL-P1	Amend NFL-P1: "Recognise the values of the outstanding natural features identified in NFL-APP1 and protect them from the adverse effects of activities and development by: 1. avoiding use and development that detracts from the very high biophysical values and high sensory and associative values identified in NFL-APP1 for the Waimakariri River, <u>except where activities have a functional need or operational need to be located within the features and provided the adverse effects on values are avoided, remedied or mitigated;</u> 2.avoiding use and development that detracts from the very high biophysical and sensory values, and high	Support	KiwiRail agrees that it is not always possible to avoid effects of critical infrastructure and supports recognition of the functional and operational need of the location of infrastructure in this policy.	Adopt amendment sought in submission

Submitter and Submission ID	Submitter #	Relevant Provision	Original Submission Point	Support / Oppose	Reasons for Support or Opposition	Decision Sought
			<p>associative values of the Ashley River/Rakahuri Saltwater Creek Estuary identified in NFL-APP1, including on:</p> <p>a. coastal physical processes;</p> <p>b. ecological habitat and indigenous biodiversity; and</p> <p>c. the experience of the elements and processes of (a) and (b);</p> <p><u>except where activities have a functional need or operational need to be located within the Ashley River/Rakahuri Saltwater Creek Estuary and provided the adverse effects on values are avoided, remedied or mitigated;</u>"</p>			
	275.28	SUB-O2	<p>Amend SUB-O2:</p> <p>"Efficient and sustainable provision, use and maintenance of infrastructure; and a legible, accessible, <u>safe</u>, well connected transport system for all transport modes."</p>	Support	KiwiRail supports inclusion of safety as it is a key component of transport infrastructure.	Adopt amendment sought in submission
	275.38	SUB-MCD10	<p>Amend SUB-MCD10 to add a new clause:</p> <p>"...</p> <p><u>2. Any measures required to minimise potential reverse sensitivity effects, such as noise, through subdivision design, provision of screening, structures or other mitigation methods.</u>"</p>	Support	KiwiRail supports the additional matter of discretion to recognise noise and vibration effects from existing infrastructure.	Adopt amendment sought in submission
	275.39	EW-P1	<p>Amend EW-P1 by inserting new clause (2):</p> <p>"...</p> <p><u>2. are necessary for the continued operation and maintenance of existing infrastructure;</u></p> <p>..."</p>	Support	KiwiRail supports new clause for earthworks necessary to maintain infrastructure.	Adopt amendment sought in submission
	275.42	EW-MD1	<p>Amend EW-MD1(12):</p> <p>"...</p> <p>12. Any effects on the operation, maintenance, upgrade and development of <u>the National Grid critical infrastructure;</u></p> <p>..."</p>	Support	KiwiRail supports amendment so effects on all infrastructure are considered.	Adopt amendment sought in submission
	275.43	EW-MD8	<p>Amend EW-MD8:</p> <p>"...</p> <p>g. any effects on the stability and life-supporting capacity of soil-<u>and</u></p> <p><u>h. any functional needs and operational needs of critical infrastructure.</u>"</p>	Support	Support addition to recognise functional and operational needs of infrastructure.	Adopt amendment sought in submission
	275.55	NOISE-R16	<p>Amend NOISE-R16:</p> <p>"NOISE-R16: Residential units and minor residential units within 80m <u>100m</u> of an arterial road, strategic road or rail designation.</p> <p>..."</p>	Support	KiwiRail supports increasing the noise setback to 100m from a rail designation.	Adopt amendment sought in submission
	275.62	SIGN-P3	<p>Amend SIGN-P3:</p> <p>"Ensure signs do not adversely affect <u>the safe, efficient and effective operation of the transport system</u> transport safety by causing a distraction or obstruction to road users and pedestrians by:</p> <p>1. managing the size, number, location, content, illumination, and design of signs;</p> <p>2. limiting digital signs; and</p> <p>3. managing off-site signs in Industrial Zones, and avoiding off-site signs in all other zones."</p>	Support	KiwiRail supports broadening the assessment of the effects on transport safety.	Adopt amendment sought in submission

Submitter and Submission ID	Submitter #	Relevant Provision	Original Submission Point	Support / Oppose	Reasons for Support or Opposition	Decision Sought
	275.72	SIGN-MD1	Amend SIGN-MD1: "1. The extent to which the sign's size, location, design, content, illumination, and any digital operation transitions , could adversely affect the safe, efficient and effective operation of the transport system transport safety, cause confusion, distraction or an obstruction to any road user . 2. The complexity and sensitivity of the receiving environment."	Support	KiwiRail supports broadening the assessment of the effects on transport safety.	Adopt amendment sought in submission
	275.76	RURZ-P7	Amend RURZ-P7: "In relation to retail activity: 1. new retail activity be limited to that associated with a home business, selling products directly produced in the Rural Zones, or selling products or services directly supporting primary production; providing that: a. to the extent practicable adverse effects of the activity are internalised within the site; and b. amenity values and the character of Rural Zones are maintained; and c. adverse effects on the safe and efficient functioning of the transport system are avoided or mitigated . 2. the expansion of any existing retail activity shall: a. manage any additional adverse effects including visual, traffic, dust, noise, odour, or lighting so as to maintain the amenity values and character of the zone and the safe and efficient functioning of the transport system ; ..."	Support	KiwiRail supports the additions to ensure that the safety and efficiency of the transport system is protected in policy.	Adopt amendment sought in submission
Horticulture New Zealand - Ailsa Robertson	295.101	EW-O1	Delete EW-O1 as notified and replace: "Earthworks are undertaken in a way that minimises adverse effects on amenity values, cultural values, property, infrastructure and the health and safety of people and the environment. <u>Earthworks necessary for the construction, maintenance or operation of activities are enabled, provided that adverse environmental effects (including effects on health and safety and natural hazards) are avoided, remedied or mitigated."</u>	Oppose in part	KiwiRail seeks retention of infrastructure and minimising adverse effects on infrastructure, within this objective.	Adopt amendment sought in submission
Kainga Ora – Homes and Communities - Brendon Liggett	325.17	UFD-P10	Amend UFD-P10: "Within Residential Zones and new development areas in Rangiora and Kaiapoi: 1. avoid <u>minimise the location of new</u> residential activity that has the potential to limit or compromise the efficient and effective operation and upgrade of critical infrastructure, strategic infrastructure, and regionally significant infrastructure, including avoiding noise sensitive activities within the Christchurch Airport Noise Contour, unless within an existing Residential Zone;..."	Oppose in part	KiwiRail rejects the softening of this policy from avoid to minimise. It is essential that adverse effects on critical infrastructure are avoided to ensure that infrastructure such as the rail corridor, can continue to operate safely and efficiently. KiwiRail does not object to the inclusion of 'or compromise' as proposed.	Reject amendment sought
	325.21	EI-O3	Amend EI-O3: "The safe, efficient and effective operation, maintenance, repair, renewal, upgrading and development of energy and infrastructure is not unreasonably constrained or compromised by other activities and development; including by reverse sensitivity effects ."	Oppose	KiwiRail rejects the deletion of reverse sensitivity effects from this objective. The rail corridor is vulnerable to reverse sensitivity effects when incompatible activities are located adjacent to the rail corridor without appropriate controls in place. It is important to recognise this within plan objectives.	Reject amendment sought

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	325.67	TRAN-O4	Amend TRAN-O4: "Adverse effects on the District's transport system from activities, including reverse sensitivity, are avoided , remedied or mitigated."	Oppose	KiwiRail rejects the softening of this policy from avoid to minimise. It is essential that adverse effects on the transport system are avoided to ensure that the rail corridor can continue to operate safely and efficiently.	Reject amendment sought
	325.79	TRAN-P15	Amend TRAN-P15: "Ensure, to the extent considered reasonably practicable, that other activities do not compromise the safe and efficient operation, maintenance, repair, upgrading or development of the transport system, including through: ... 2. avoiding, remedying or mitigating <u>managing</u> adverse reverse sensitivity effects on the transport system; and ..."	Oppose	KiwiRail rejects the softening of this policy from avoid, remedy or mitigate to manage. It is essential that adverse effects on the transport system are avoided if possible to ensure that the rail corridor can continue to operate safely and efficiently.	Reject amendment sought
	325.148	General	Delete mapped Noise Overlay and Airport Noise contour maps. Amend Noise Chapter provisions.	Oppose in part	KiwiRail oppose the deletion of the noise corridor overlay maps and additional requirements for indoor noise design levels. The rail network is an established noise-generating activity. KiwiRail seeks standards to ensure that noise sensitive activities located within 100m of the corridor have an appropriate level of internal amenity. This in-turn protects the safe and efficient operation of the rail network.	Reject amendment sought
	325.149	General	Delete mapped Noise Overlay and Airport Noise contour maps. Amend Noise Chapter provisions.	Oppose in part	KiwiRail oppose the deletion of the noise corridor overlay maps and additional requirements for indoor noise design levels. The rail network is an established noise-generating activity. KiwiRail seeks standards to ensure that noise sensitive activities located within 100m of the corridor have an appropriate level of internal amenity. This in-turn protects the safe and efficient operation of the rail network.	Reject amendment sought
	325.154	SUB-P1	Amend SUB-P1: "Enable subdivision that: ... 2. minimises reverse sensitivity effects on infrastructure including through the use of setbacks; 3. manage avoids subdivision that restricts or compromises the operation, maintenance, upgrading and development of the National Grid; 4. where appropriate , recognises and provides for the expression of cultural values of mana whenua and their connections in subdivision design; and 5. supports the character, amenity values, anticipated form and function for the relevant zone."	Oppose	KiwiRail rejects limiting the management of effects on infrastructure to setbacks only. KiwiRail further rejects softening of this policy from avoid to manage. It is essential that adverse effects on the transport system are avoided to ensure that the rail corridor can continue to operate safely and efficiently.	Reject amendment sought
	325.296	NCZ-BFS7	Amend NCZ-BFS7: "1. All buildings shall be set back a minimum of 2m 4m from any site boundary with the rail corridor."	Oppose	KiwiRail rejects the reduction in building setback from the rail corridor. KiwiRail seeks a 5m setback from the rail corridor as specified in our primary submission.	Reject amendment sought
	325.306	LCZ-BFS7	Amend LCZ-BFS7: "1. All buildings shall be set back a minimum of 2m 4m from any site boundary with the rail corridor."	Oppose	KiwiRail rejects the reduction in building setback from the rail corridor. KiwiRail seeks a 5m setback from the rail corridor as specified in our primary submission.	Reject amendment sought
	325.345	CMUZ-MD13	Amend CMUZ-MD13: "1. The extent to which the reduced setback will compromise the safe and efficient functioning of the rail network, including rail corridor access and maintenance. The location, size and design of the building as it relates	Oppose	KiwiRail rejects the proposed amendment and seeks the retention of reference to the reduced setback. Building setbacks are crucial for maintaining safety within the corridor and on sites adjacent to the corridor.	Reject amendment sought



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			to the ability to safely use, access and maintain buildings without requiring access on, or over the rail corridor.			
	414.68	EI-O3	Amend EI-O3: "Effects of other activities and development on energy and infrastructure: The safe, efficient and effective operation, maintenance, repair, renewal, upgrading and development of energy and infrastructure is not inappropriately constrained or compromised by activities and development, including by reverse sensitivity effects. "	Oppose	KiwiRail seek to protect the rail corridor now and in future, from reverse sensitive effects. KiwiRail rejects removal of future works and reverse sensitivity from this objective.	Reject amendment sought
Federated Farmers of New Zealand Inc. - Peter Wilson	414.71	EI-P6	Delete EI-P6	Oppose	KiwiRail rejects the deletion of policy which seeks to manage adverse effects of other activities and development on energy and infrastructure. This policy seeks to manage adverse effects on other infrastructure, including rail, which is important. KiwiRail seeks that this policy be retained.	Reject amendment sought
	414.91	TRAN-R22	Amend TRAN-R22 to be a controlled activity.	Oppose	KiwiRail rejects the submission seeking a controlled activity status for stock underpasses. KiwiRail seeks to be included in the process, through the notification requirements, and considers RDIS is the appropriate activity status for an underpass beneath the rail corridor.	Reject amendment sought

