

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:

Level 1
Wellington Railway Station
Bunny Street
PO Box 593
WELLINGTON 6140

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 2 – VARITATON 1

Submitter and Submission ID	Submitter #	Relevant Provision	Original Submission Point	Support / Oppose	Reasons for Support or Opposition	Decision Sought
Transpower	42	MRZ-P1	Amendment sought: Residential activity <i>Enable a variety of housing types with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments, while avoiding inappropriate locations, heights and densities of buildings and development within qualifying matter areas as specified by the relevant qualifying matter area provisions.</i>	Support	KiwiRail agrees that it is appropriate for reference to qualifying matters be included in the policy areas as these inform both the degree of density but also the appropriateness of certain locations for higher density development.	Adopt amendment sought in submission
		MRZ-R1	Amendment sought: Amend MRZ-R1: "This rule shall have immediate legal effect in relation to residential activities <i>if no qualifying matter applies.</i> "	Support	KiwiRail supports clarification that this rule only has immediate legal effect if no qualifying matter applies.	Adopt amendment sought in submission.
Waka Kotahi	46	RESZ-P15	Support	Support	KiwiRail agrees with the reasons provided in Waka Kotahi's submission.	Accept submission
		General/ NOISE-R16	Support	Support	KiwiRail agrees with the reasons provided in Waka Kotahi's submission point 46.11. KiwiRail supports that sensitive activities within 100m of railways, and state highways, should be required to be adequately designed and constructed to the relevant noise standards to address reverse sensitivity.	Accept submission
Resource Management Group - Melanie Foote - on behalf of MainPower New Zealand Ltd	53	General/MRZ Chapter	Amendment sought: <i>Objective: The operation and security of critical infrastructure, strategic infrastructure and regionally significant infrastructure is not compromised by other activities.</i>	Support	KiwiRail supports the proposed objective for the protection of regionally significant infrastructure from reverse sensitivity effects.	Adopt amendment sought in submission
Chapman Tripp - Luke Hinchey - on behalf of Retirement Villages Association of New Zealand Incorporated	67	MRZ-BFS5	Amendment sought: Amend MRZS-BFS5 so that it only applies to nationally significant infrastructure, and the matters of discretion only relate to the effects of the breach of the standard: "Matters of discretion are restricted to: RES-MD2 – Residential design principles RES-MD5 - Impact on neighbouring property"	Support in part	KiwiRail supports provisions requiring setbacks from nationally significant infrastructure. However, KiwiRail seeks that specific rail corridor setbacks are required as requested in our primary submission.	Support in part to the extent alternative wording would be consistent with the relief sought by KiwiRail.
		NCZBFS3-BFS11	Amendment sought: Amend the Neighbourhood Centre Zone standards as they apply to residential activities (including retirement villages) to achieve consistency with the Medium Density Residential Standards.	Oppose	KiwiRail does not accept amendment to NCZBF-S7 which relates to rail corridor boundary setbacks. For 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. As specified in our primary submission, KiwiRail considers that a 5 metre setback 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.	Reject amendment sought
Beca - Nola Smart	77	SD-O2	Support	Support	KiwiRail considers it is appropriate that the objectives of the District Plan give effect to the objectives of the NPS-UD, insofar that well-functioning urban	Accept submission



Submitter and Submission ID	Submitter #	Relevant Provision	Original Submission Point	Support / Oppose	Reasons for Support or Opposition	Decision Sought
- on behalf of Fire and Emergency New Zealand					environments are provided for, which includes adequately managing the interface between significant infrastructure and urban development.	
Kainga Ora - Homes and Communities - Mel Rountree	80	Table	Amendment sought: Amend provisions relating to qualifying matters to provide additional clarity as to how each of the qualifying matters apply to MDRS and the MRZ standards.	Support	KiwiRail agrees that qualifying matters and their application should be clearly outlined in the Plan.	Adopt amendment sought in submission
		MRZ-BFS5	Amendment sought: Delete MRZ-BFS5 and replace to: - Clearly express any additional setbacks over and above those contained Schedule 3A, Part 2(13) of Medium Density Residential Standards (MDRS) as qualifying matters. - Delete the rail corridor setback qualifying matter. - Amend the national grid transmission line setback. - Simplify to reflect Schedule 3A, Part 2(13) of MDRS. - Delete Part 3 of the rule and associated figure MRZ-2. - Delete RES-MD2 Residential Design Principles as a relevant matter of discretion. - Insert RES-MD6 Road Boundary Setbacks as a relevant matter of discretion. Amend MRZ-BFS5 to the matters listed below or amendments with similar effect: MRZ- BFS5 Building and structure setbacks Yard Minimum depth Front 1.5m Side 1m Rear 1m (excluded on corner sites) "(2) Qualifying Matters: (a) All buildings shall be set back a minimum of 5m from any site boundary with the rail corridor." "...Activity status when compliance not achieved: RDIS - RES-MD2 - Residential design principles - RES-MD5 - Impact on neighbouring property - RES-MD6 Road Boundary Setbacks"	Oppose	KiwiRail object the deletion of the rail corridor as a qualifying matter. Requiring a "no-build" setback within 5m of the railway corridor for new buildings or structures on sites adjoining the railway corridor ensures that people can use and maintain their land and buildings safely without needing to extend out into the railway corridor. Rail corridor setbacks therefore minimise the risks of physical interference on railway operations and health and safety hazards on these residents.	Reject amendment sought in submission to the extent that it is inconsistent with the relief sought in KiwiRail's primary submission.
		Transport	Amendment sought: Delete the Railway Corridor qualifying matter. Delete the Strategic and Arterial Roads qualifying matter. See further comments to MRZ-BFS5 in this submission.	Oppose	KiwiRail object the deletion of the rail corridor as a qualifying matter. Requiring a "no-build" setback within 5m of the railway corridor for new buildings or structures on sites adjoining the railway corridor ensures that people can use and maintain their land and buildings safely without needing to extend out into the railway corridor. Rail corridor setbacks therefore minimise the risks of physical interference on railway operations and health and safety hazards on these residents.	Reject amendment sought in submission to the extent that it is inconsistent with the relief sought in KiwiRail's primary submission.
		SD-O2	Support	Support	KiwiRail considers it is appropriate that the objectives of the District Plan give effect to the objectives of the NPS-UD, insofar that well-functioning urban environments are provided for, which includes adequately managing the interface between significant infrastructure and urban development.	Accept submission
Chapman Tripp -	81	Policies	Amendment sought:	Support	KiwiRail agrees that a policy emphasising the importance of protecting infrastructure from reverse sensitivity effects caused by incompatible land use is	Adopt amendment sought in submission



Submitter and Submission ID	Submitter #	Relevant Provision	Original Submission Point	Support / Oppose	Reasons for Support or Opposition	Decision Sought
Annabelle Lee - on behalf of Christchurch International Airport Ltd			Insert a new policy as follows or, if Christchurch International Airport Ltd's primary relief is rejected, cross-reference directly and explicitly to relevant policies in other parts of the Plan: <u>"Protect critical infrastructure, regionally significant infrastructure, and strategic infrastructure by avoiding adverse effects, including reverse sensitivity effects, from incompatible activities on residential land, including by:</u> <u>1. within the Christchurch International Airport 50 dBA Ldn Air Noise Contour for Christchurch International Airport, avoiding residential units on sites under 300m2 or 600m2 in the areas identified on the planning maps;</u> <u>and ..[insert specifics that may be relevant to other strategic infrastructure]"</u>		important and is a matter relevant to the use, development and protection of resources in the zone.	

