

23 January 2025

Independent Hearings Panel  
Timaru Proposed District Plan  
Timaru District Council  
PO Box 522  
Timaru 7940

By email to: [pdp@timdc.govt.nz](mailto:pdp@timdc.govt.nz)

Dear Commissioners,

### **Timaru Proposed District Plan – Hearing E (Infrastructure, Subdivision, and Cultural Values)**

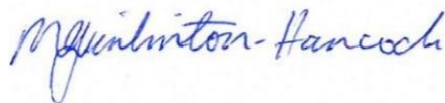
KiwiRail Holdings Limited (**KiwiRail**) is the State-Owned Enterprise responsible for the management and operation of the national railway network. This includes managing railway infrastructure and land, as well as rail freight and passenger services within New Zealand. KiwiRail is also the Requiring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

KiwiRail made a submission on the Timaru Proposed District Plan (**Proposed Plan**) on 15 December 2022. A number of KiwiRail's submission points have been allocated to Hearing E of the Proposed Plan.

KiwiRail's submission points that were accepted by the Council Officers<sup>1</sup> are not discussed further in this letter. The Council Officers make recommendations on KiwiRail's other submission points that were not wholly accepted or were rejected. KiwiRail's position on these recommendations is set out in the tables included at **Appendix A** to this letter.

At this stage, KiwiRail does not wish to be heard at the hearing for Hearing E and respectfully requests this letter is tabled as a record of KiwiRail's position on the EI, SW, TRAN, SUB, SASM, HH and TREES chapters of the Proposed Plan. 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 blue ink, reading "Michelle Grinlinton-Hancock".

Michelle Grinlinton-Hancock

**Manager RMA Team**

**KiwiRail Holdings Limited**

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<sup>1</sup> Mr Willis reporting for the Energy and Infrastructure (**EI**) and Transport (**TRAN**) chapters; Mr Boyes reporting for the Subdivision (**SUB**) chapter; Ms White reporting for the Sites and Areas of Significance to Māori (**SASM**) chapter; and Mr MacLennan reporting for the Historic Heritage (**HH**) and Notable Trees (**TREES**) chapters.



## Appendix A – KiwiRail's position on the Council Officers' recommendations

### Energy and Infrastructure

Submission number	Provision	Recommendation	Comments on Council Officer's recommendation
187.10	Definition of "regionally significant infrastructure"	Accepted in part	KiwiRail sought to retain the definition of "regionally significant infrastructure" as notified and also opposed Timaru District Council's submission to delete the words "strategic land transport" from the definition as that includes the railway network. Mr Willis accepted KiwiRail's relief opposing the Council's amendment but recommends a consequential amendment to refer to "including National Routes, Regional Arterials and District Arterials" within the definition. <sup>2</sup> Given the rail network is captured by the term "strategic land transport network" (which has been retained in the definition), KiwiRail accepts the Council Officer's recommendation and will not pursue this relief further.
187.15	Definition of "upgrading / upgrade"	Accepted in part	KiwiRail sought to retain the definition of "upgrading / upgrade" as notified. Mr Willis recommends wording changes in response to the submissions made by Transpower, the Telcos and BP, as follows: <i>"Means the replacement, renewal or improvement of infrastructure that results in an increase in carrying capacity and size, and may include replacement and renewal, but excludes repair and maintenance."</i> <sup>3</sup> KiwiRail accepts the Council Officer's recommendation and will not pursue this relief further.
187.18	EI-O1	Accepted in part	KiwiRail sought to retain EI-O1 as notified. Mr Willis recommends amending the title as follows: <i>"Regionally Significant Infrastructure and Lifeline Utilities"</i> , as well as minor grammatical changes to clarify the notified phrasing of the objective. <sup>4</sup> KiwiRail accepts the Council Officer's recommendation and will not pursue this relief further.

<sup>2</sup> Section 42A Report: Energy and Infrastructure, Stormwater and Transport dated 11 December 2024 at [6.10.19].

<sup>3</sup> Section 42A Report: Energy and Infrastructure, Stormwater and Transport dated 11 December 2024 at [6.12.10].

<sup>4</sup> Section 42A Report: Energy and Infrastructure, Stormwater and Transport dated 11 December 2024 at [6.20.12].



187.19	EI-O2	Accepted in part	KiwiRail sought to retain EI-O2 as notified. Mr Willis noted some inconsistencies between the notified wording of this objective and Policy EI-P2 and recommends consequential amendments to EI-O2 to address these (for example, by cross-referring to the effects management hierarchy and the approach to sensitive environments contained within EI-P2). <sup>5</sup> Given the recommended amendments to EI-O2 reflect how the adverse effects of regionally significant infrastructure are already being managed in other provisions of the Proposed Plan, KiwiRail accepts the Council Officer's recommendation and will not pursue this relief further.
187.20	EI-O4	Accepted in part	KiwiRail sought to retain EI-O4 as notified. Mr Willis recommends amending EI-O4 in response to Kāinga Ora's submission to refer to incompatible activities instead of a general reference to subdivision, use and development in the notified wording of the objective, as follows: <i>"The efficient operation, maintenance, repair, upgrading or development of Regionally Significant Infrastructure and lifeline utilities are not constrained or compromised by <del>the adverse effects of subdivision, use and development, including incompatible activities and reverse sensitivity effects</del>".</i> <sup>6</sup> While reverse sensitivity is still referenced within the objective, KiwiRail considers the notified wording of EI-O4 provides better support for the building setback provisions sought by KiwiRail in other hearing topics of the Proposed Plan. KiwiRail seeks the original text of EI-O4 is retained.
187.21	EI-P1	Accepted in part	KiwiRail sought to retain EI-P1 as notified. Mr Willis recommends various consequential amendments to this policy in response to Forest and Bird, Timaru District Council and Opuha Water's submissions. <sup>7</sup> KiwiRail accepts the Council Officer's position and will not pursue this relief further.

<sup>5</sup> Section 42A Report: Energy and Infrastructure, Stormwater and Transport dated 11 December 2024 at [6.21.10] and [6.21.18].

<sup>6</sup> Section 42A Report: Energy and Infrastructure, Stormwater and Transport dated 11 December 2024 at [6.23.6] and [6.23.12].

<sup>7</sup> Section 42A Report: Energy and Infrastructure, Stormwater and Transport dated 11 December 2024 at [6.25.13].



187.22	EI-P2	Rejected	<p>KiwiRail sought to amend EI-P2 as follows: <i>"Provide for Regionally Significant Infrastructure and other infrastructure where any adverse effects are appropriately managed by: a. seeking to avoid, <u>remedy or mitigate</u> adverse effects on the identified values and qualities of Outstanding Natural Landscapes and Outstanding Natural Features, Visual Amenity Landscapes [...]"</i>. Mr Willis acknowledges KiwiRail's proposed amendment would provide flexibility to respond to the functional or operational requirements of infrastructure (ie because it is not always possible for linear infrastructure like the rail network to avoid adverse effects in sensitive areas). However, in terms of the policy structure, EI-P2 is an 'avoid first' policy in the listed sensitive areas, then functional or operational matters are considered in clause (2) and the effects management hierarchy is applied in clause (3).<sup>8</sup></p> <p>EI-P2(2) referred to by Mr Willis states <i>"recognising the functional need or operational need of Regionally Significant Infrastructure, Lifeline Utilities and other infrastructure activities [...]"</i> whereas EI-P2(3) states <i>"where due to functional needs or operational needs, RSI and other infrastructure must be located in the environments identified in EI-P2.1.a, apply the following effects management hierarchy: [...]"</i>. KiwiRail considers these other clauses within EI-P2 (as recommended to be amended by the Council Officer) will achieve the intent of KiwiRail's submission on EI-P2, therefore will not pursue this relief further.</p>
187.23	EI-P3	Accepted in part	<p>KiwiRail sought to retain EI-P3 as notified. Mr Willis recommends an amendment to EI-P3(1) in response to BP Oil's submission (in addition to two minor consequential amendments to other clauses of the policy which do not relate to rail), as follows: <i>"1. <u>Ensure new or modified incompatible activities are appropriately located or designed so they do not compromise or constrain the safe, effective and efficient operation, maintenance, repair, development or upgrading of any Regionally Significant</u></i></p>

<sup>8</sup> Section 42A Report: Energy and Infrastructure, Stormwater and Transport dated 11 December 2024 at [6.26.19].

			<i>Infrastructure and lifeline utilities.</i> <sup>9</sup> KiwiRail supports the Council Officer's recommendation.
187.28	EI-S1	Accepted in part	KiwiRail sought to retain EI-S1 as notified. Mr Willis recommends deleting the reference to "telecommunication poles" within the standard in response to the Telcos submission. <sup>10</sup> KiwiRail accepts the Council Officer's recommendation and will not pursue this relief further.
187.29	EI-S2	Accepted in part	KiwiRail sought to retain EI-S2 as notified. Mr Willis recommends amending two matters of discretion within the standard relating to upgrading of infrastructure, as follows: "2. <u>changes in the bulk, height, location and design of the network utility</u> ; and 3. <u>changes in the impact on the character and qualities of the surrounding area</u> ." <sup>11</sup> Given EI-S2 relates to upgrade of existing infrastructure, KiwiRail considers the inclusion of the word "changes" in both matters is appropriate.

## Transport

Submission number	Provision	Recommendation	Comments on Council Officer's recommendation
187.30	TRAN-O1	Accepted in part	KiwiRail sought to retain TRAN-O1 as notified. Mr Willis recommends an amendment to TRAN-O1 in response to Waka Kotahi's and Forest & Bird's submissions, as follows: " <i>Land transport infrastructure that is well-connected, integrated, and accessible, <u>supports low emissions</u> and which: 1. is safe, efficient and <u>effective</u> <del>sustainable</del> for all transport modes</i> ". <sup>12</sup> KiwiRail accepts the Council Officer's recommendation and will not pursue this relief further.
187.32	TRAN-O3	Accepted in part	KiwiRail sought to retain TRAN-O3 as notified. Mr Willis recommends a wording change to TRAN-O3 as follows: " <i>Land transport infrastructure is not compromised by incompatible activities that <del>may</del> are likely</i>

<sup>9</sup> Section 42A Report: Energy and Infrastructure, Stormwater and Transport dated 11 December 2024 at [6.27.16].

<sup>10</sup> Section 42A Report: Energy and Infrastructure, Stormwater and Transport dated 11 December 2024 at [6.55.7].

<sup>11</sup> Section 42A Report: Energy and Infrastructure, Stormwater and Transport dated 11 December 2024 at [6.56.5].

<sup>12</sup> Section 42A Report: Energy and Infrastructure, Stormwater and Transport dated 11 December 2024 at [6.69.8].



			<p><i>to result in conflict or reverse sensitivity effects".<sup>13</sup> KiwiRail seeks the term "are likely to" is replaced with "have potential to" as that language is commonly used in reverse sensitivity policies in district plans across the country. This provides a more accurate reflection to capture sensitive activities which can result in reverse sensitivity effects on rail (and other) infrastructure.</i></p>
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## Subdivision

Submission number	Provision	Recommendation	Comments on Council Officer's recommendation
187.61	SUB-O1	Rejected	<p>KiwiRail sought to amend SUB-O1 as follows: <i>"New subdivisions will: [...] 8. <del>have minimal avoid</del> adverse effects on regional significant infrastructure or intensive primary production."</i> Mr Boyes notes the Canterbury Regional Policy Statement acknowledges there will be circumstances where it is "impractical" to avoid adverse effects, so it is appropriate to retain reference to having "minimal adverse effects".<sup>14</sup> KiwiRail continues to seek the use of the term "avoid" within SUB-O1 in order to strengthen this objective and manage effects on the safe and efficient operation of the rail network at the subdivision stage.</p>
187.64	SUB-P9	Rejected	<p>KiwiRail sought to amend SUB-P9 as follows: <i>"<del>conflict between</del> adverse effects, including reverse sensitivity effects from residential activities <del>and on</del> adjoining land uses are <del>avoided minimised</del>."</i> Mr Boyes considers narrowing the scope of SUB-P9 to refer only to reverse sensitivity effects is a less desirable outcome, given the notified wording of the policy seeks to minimise conflicts between residential activities and adjoining land uses more broadly.<sup>15</sup> While reverse sensitivity effects would likely be captured within the wording "conflict between residential activities and adjoining land uses" (despite not specifically recognising reverse sensitivity as one such conflict), KiwiRail seeks to strengthen this policy to require</p>

<sup>13</sup> Section 42A Report: Energy and Infrastructure, Stormwater and Transport dated 11 December 2024 at [6.70.5].

<sup>14</sup> Section 42A Report: Subdivision and Development Areas dated 11 December 2024 at [7.2.28].

<sup>15</sup> Section 42A Report: Subdivision and Development Areas dated 11 December 2024 at [7.3.55].



			avoidance of such conflicts (as opposed to minimisation). This would ensure adequate protection for the rail network as nationally and regionally significant infrastructure.
187.65	SUB-R1	Rejected	KiwiRail sought to amend the matters of control within SUB-R1 and SUB-R3 as follows: <i>"measures to manage adverse effects, including reverse sensitivity effects, on existing land uses."</i> Mr Boyes considers the wording of these rules (which includes the term "adverse effects") already accounts for reverse sensitivity effects, and an existing matter of control / discretion within each rule (which refers to "measures to avoid, remedy or mitigate adverse effects [...] on existing or permitted adjoining or adjacent land uses") is sufficiently broad to address KiwiRail's concerns. <sup>16</sup> KiwiRail accepts the Council Officer's recommendation and will not pursue this relief further.
187.66	SUB-R3	Rejected	

#### Notable Trees

Submission number	Provision	Recommendation	Comments on Council Officer's recommendation
187.50	TREES-P2	Rejected	KiwiRail sought to amend TREES-P2 as follows: <i>"Enable the minor pruning and trimming of branches where the works will: [...] 3. Ensure the safe and efficient operation of regionally significant infrastructure."</i> Mr MacLennan considers a specific amendment to TREES-P2 related to regionally significant infrastructure is not required given that minor pruning and trimming is already enabled by TREES-P2(2) to allow for the regular maintenance of a notable tree. <sup>17</sup> KiwiRail accepts the Council Officer's recommendation and will not pursue this relief further.
187.87	SCHED5 – Schedule of Notable Trees	Rejected	KiwiRail sought to remove the grouping of notable trees on "Railway land between Alexandra Street, Temuka & Barker Road, Winchester" from SCHED5. This group includes over 100 trees with a maximum height of 24.5 metres and is largely contained within KiwiRail's designation for the Main

<sup>16</sup> Section 42A Report: Subdivision and Development Areas dated 11 December 2024 at [7.4.7].

<sup>17</sup> Section 42A Report: Historic Heritage and Notable Trees dated 10 December 2024 at [7.4.3].





			<p>South Line ("MSL"). Mr MacLennan notes most of this tree group is contained within KiwiRail's designation for the MSL so KiwiRail could maintain vegetation in the rail corridor under its designation. With respect to the small area of trees outside KiwiRail's designation, Mr MacLennan notes Rule TREES-R1 has been amended to provide more flexibility when trimming and pruning notable trees, and Policy TREES-P2 enables minor trimming and pruning where the works will (a) retain or improve the health of the notable tree or (b) allow regular maintenance of the notable tree.<sup>18</sup></p> <p>KiwiRail accepts the Council Officer's recommendation to retain the scheduling of this group of notable trees on the basis of its rights under the MSL designation.</p>
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## Historic Heritage

Submission number	Provision	Recommendation	Comments on Council Officer's recommendation
187.49	General	Accepted in part	<p>KiwiRail sought to amend the HH chapter to provide a linkage to Objective EI-O2 and Policy EI-P2 to ensure regionally significant infrastructure can locate in sensitive areas (eg a heritage setting) where there is a functional or operational need to be in that location.</p> <p>Mr MacLennan considers a link to EI-P2 would be useful for consistency and interpretation by plan readers, and therefore recommends the inclusion of an additional clause in Policy HH-P7 as follows: <i>"Only allow subdivision, earthworks or new buildings within the settings of Historic Heritage Items where they protect the heritage values of the items, taking into account whether: [...] 4. For infrastructure, the adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure."</i><sup>19</sup></p> <p>However, he does not recommend including a link to EI-O2 because Objective HH-O2 (which requires protection from inappropriate</p>

<sup>18</sup> Section 42A Report: Historic Heritage and Notable Trees dated 10 December 2024 at [7.10.4].

<sup>19</sup> Section 42A Report: Historic Heritage and Notable Trees dated 10 December 2024 at [6.1.14] and [6.1.27].





			subdivision, use and development of Historic Heritage Items), when read together with Policy HH-P7(4), provides a framework to enable infrastructure activities in these areas. <sup>20</sup> KiwiRail accepts the Council Officer's recommendation and will not pursue this relief further.
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#### Sites and Areas of Significance to Māori

Submission number	Provision	Recommendation	Comments on Council Officer's recommendation
187.53	General	Accepted in part	KiwiRail sought to amend the SASM chapter to provide a linkage to Objective EI-O2 and Policy EI-P2 to ensure regionally significant infrastructure can locate in sites and areas of significance to Māori where there is a functional or operational need to be in that location. Ms White acknowledges Policy EI-P2(1)(a) refers to avoiding adverse effects on the identified values and qualities of sites of significance to Māori, but that there is no cross-reference to EI-P2 in the SASM chapter. Ms White therefore agrees with KiwiRail's submission regarding the lack of clarity about how policy direction in the EI and SASM chapters work together, and recommends amending SASM-P5 to cross-refer to Policy EI-P2. <sup>21</sup> KiwiRail supports the Council Officer's recommendation.

<sup>20</sup> Section 42A Report: Historic Heritage and Notable Trees dated 10 December 2024 at [6.1.14].

<sup>21</sup> Section 42A Report: Sites and Areas of Significance to Māori and Māori Purpose Zone dated 9 December 2024 at [8.6.34].

