

27 May 2024

Independent Hearing Panel
Gore Proposed District Plan
Gore District Council
29 Bowler Avenue
Gore 9710

By email to: lcrazywolf@goredc.govt.nz

Dear Commissioners,

Gore Proposed District Plan – Hearing Stream 1 (Introduction, General Provisions and Urban Form and Development)

KiwiRail Holdings Limited (**KiwiRail**) made a submission on the Gore Proposed District Plan (**Proposed Plan**) on 27 November 2023. Four of KiwiRail's submission points on the Proposed Plan have been allocated to Hearing Stream 1.¹ KiwiRail generally supports the intent of the Urban Form and Development Chapter that is covered by this hearing stream to ensure that land use and development in the Gore District occurs in a cohesive, compact and structured way.²

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.³ The economic significance of rail, as well as the critical role it plays in reducing New Zealand's carbon emissions through shifting to more climate-friendly modes of transport, has been recognised by the Government through its continued investment in rail infrastructure.

The designated rail corridor of the Main South Line (**MSL**) passes through the Gore 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 MSL and associated rail infrastructure in the district.

KiwiRail supports the Council Officer's recommendations contained in the Section 42A Report for Hearing Stream 1 in relation to its submission points. I have set out KiwiRail's position on each of these submission points in the table in Appendix 1 to this letter.

¹ Submission points 132.011 and 132.014 – 132.016.

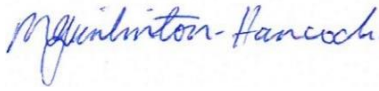
² Overview of Urban Form and Development Proposed District Plan Provisions at pg 1.

³ *The Value of Rail in New Zealand – Report for the Ministry of Transport* (EY Wellington, February 2021) at pg 8.



At this stage, KiwiRail does not wish to be heard at the hearing for this Topic and respectfully requests this letter is tabled as a record of KiwiRail's position on Hearing Stream 1. 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



Appendix 1 – KiwiRail's position on Hearing Stream 1 submission points

Provision	Amendment sought in KiwiRail's submission	Provision recommended by the Council Officer	Comments on the Council Officer's recommendation
Reverse sensitivity definition ⁴	"Reverse sensitivity <u>means</u> the potential for the development, upgrading, operation and maintenance of an approved (whether by consent, compliance certificate or designation), existing or permitted activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an approved, existing or permitted activity."	"The potential for an approved (whether by resource consent, certificate of compliance or designation), lawfully established, existing or permitted activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an approved, lawfully established, existing or permitted activity."	The Council Officer has recommended including "certificate of compliance" in the list of ways an activity can be approved, as sought by KiwiRail.⁵ KiwiRail also considers the addition of "lawfully established" is appropriate as this accurately reflects the concept as it has developed through case law. However, the Council Officer has recommended rejecting the inclusion of "the potential for the development, upgrading, operation and maintenance of an approved [...] activity" on the basis that these activities are problematic if they are not approved, legally existing or permitted.⁶ KiwiRail agrees that those activities must be lawfully established or permitted to be captured by the definition of reverse sensitivity. KiwiRail considers the Council Officer's recommended definition of reverse sensitivity is sufficiently broad so as to encompass KiwiRail's lawfully established and permitted activities in the Proposed Plan. Subject to the retention of the proposed rules in the Infrastructure Chapter which KiwiRail supported in its submission,⁷ KiwiRail accepts the Council

⁴ Submission point 132.011.

⁵ Gore Proposed District Plan – Hearing Stream 1 (Introduction, General Provisions and Strategic Direction) – Section 42A of the Resource Management Act 1991 at pg 66.

⁶ Section 42A Report at pg 66.

⁷ Rules INFR-R1, INFR-R2 and INFR-R3 of the District Plan.



Provision	Amendment sought in KiwiRail's submission	Provision recommended by the Council Officer	Comments on the Council Officer's recommendation
			Officer's recommended definition and does not consider the original wording sought in its submission to expressly refer to the <u>"development, upgrading, operation and maintenance"</u> of infrastructure is necessary.
UFD-O1 ⁸	"The District develops in a cohesive, compact and structured way that: [...] 6. <u>manages the safe, effective and efficient use and provision of new and utilises existing infrastructure and/or can be efficiently serviced with new infrastructure.</u>"	"The District develops in a cohesive, compact and structured way that: [...] 6. <u>manages the safe, effective and efficient use and provision of utilises new and existing infrastructure and/or can be efficiently serviced with new infrastructure.</u>"	The Council Officer has recommended accepting KiwiRail's amendments to UFD-O1 on the basis that the Urban Form and Development Chapter should recognise safety considerations which are a key part of the sustainable management purpose of the RMA. ⁹ As set out in KiwiRail's submission, this amendment aligns with the purpose of the Railways Act 2005 to promote the safety of rail operations. ¹⁰ KiwiRail supports the Council Officer's position.
UFD-O7 ¹¹	"Urban environments are liveable, connected, accessible, safe and well-designed spaces for the community to live, work and play in, which: [...] 3. Have <u>safe</u>, connected and efficient transport networks; and [...]"	"Urban environments are liveable, connected, accessible, safe and well-designed spaces for the community to live, work and play in, which: [...] 3. Have <u>safe</u>, connected and efficient transport networks; and [...]"	The Council Officer has recommended accepting KiwiRail's amendments to UFD-O7 to recognise safety as a key consideration under the RMA. ¹² This also better aligns with the Railways Act 2005. KiwiRail supports the Council Officer's position.
UFD-O9 ¹³	"There is sufficient land for industrial activities in the short, medium and long-term in appropriate locations, including:	"There is sufficient land for industrial activities in the short, medium and long-term in appropriate locations, including:	The Council Officer has recommended accepting KiwiRail's amendments to UFD-O9 as they are more appropriate than the notified version of the objective to achieve the purpose of the

⁸ Submission point 132.014.

⁹ Section 42A Report at pg 76.

¹⁰ Railways Act 2005, s 3(a).

¹¹ Submission point 132.015.

¹² Section 42A Report at pg 80.

¹³ Submission point 132.016.



Provision	Amendment sought in KiwiRail's submission	Provision recommended by the Council Officer	Comments on the Council Officer's recommendation
	1. Along key transport routes to ensure <u>safe, efficient and effective</u> transportation of products and minimisation of heavy vehicles and high traffic volumes on roads; [...]"	1. Along key transport routes to ensure <u>the safe, efficient and effective</u> transportation of products and minimisation of heavy vehicles and high traffic volumes on roads; [...]"	RMA. ¹⁴ KiwiRail supports the Council Officer's position.

¹⁴ Section 42A Report at pg 82.

