

13 March 2020

Manawatu District Council
Proposed Manawatu District Plan
Private Bag 10 001
FEILDING 4743

By email to: districtplanreview@mdc.govt.nz

**FEEDBACK ON PUBLICLY NOTIFIED DRAFT PROPOSAL FOR PLAN CHANGE OR
VARIATION (FORM 5)
Manawatu District Plan: Plan Change 65**

NAME OF SUBMITTER: KiwiRail Holdings Limited (KiwiRail)

ADDRESS FOR SERVICE: Level 1
Wellington Railway Station
Bunny Street
PO Box 593
WELLINGTON 6140

Attention: Rebecca Beals

Ph: 04 498 3389

Email: Rebecca.Beals@kiwirail.co.nz

KiwiRail Submission on Plan Change 65 – Outstanding Natural Features and Landscapes

As advised to Council in recent submissions on the Draft District Plan Change for this topic, KiwiRail Holdings Limited (KiwiRail) is the State Owned Enterprise responsible for the management, maintenance, upgrade and operation of the national railway network. KiwiRail Holdings Limited is also the Requiring Authority for the designated corridors of the North Island Main Trunk and a small section of the Palmerston North to Gisborne Line within the Manawatu District.

KiwiRail supports the general intent of the Plan Change, being to identify and protect natural landscapes and features within the District. ONF13 which as proposed includes the Manawatu Gorge is most relevant to KiwiRail and therefore the focus of this submission.

KiwiRail seeks to ensure that ongoing operation and maintenance of the rail network is able to be undertaken without undue restriction through the planning process, therefore wish to ensure that the protection through the ONF does not adversely affect KiwiRail's legal obligations in relation to providing a safe and efficient rail network. While the corridor is

designated, the underlying zoning and any District Plan overlays can still impact on the Outline Plan approval process and therefore this Plan Change is relevant to KiwiRail. KiwiRail's feedback on the Draft District Plan Change is set out in the attached table. Insertions we wish to make are marked in **bold** and **underlined**, while recommended deletions are shown as ~~struck-out~~ text. All requested changes include any consequential changes to the Plan to accommodate the requested change in the stated, or alternate, location.

KiwiRail does wish to speak to our submission at this time, and is prepared to present a joint case with like submitters if Council prefer.

Regards,



Rebecca Beals
RMA Team Leader
KiwiRail

Submission Number	Proposed Amendment	Support/Oppose/Seek Amendment	Feedback/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
NFL – Natural Features and Landscapes				
1.	Introduction	Support	KiwiRail support the note provided in the Introduction in relation to ensuring that these provisions are read alongside Chapter 3A in relation to Network Utilities, and that clarity is provided that the more specific provisions of Chapter 3A apply.	Retain as proposed.
2.	NFL-O1	Support	KiwiRail supports this objective as having areas identified and mapped will help with the planning of future works in the event these extent beyond the designation boundaries.	Retain as proposed.
3.	NFL-O2 and O4	Support in part	KiwiRail support the intention of the Objectives in relation to the characteristics and values of the ONF and ONL, however note that there is a potential conflict with the intention to protect these in O2 and maintain or enhance these in O4. We recognise that O2 relates only to those ONF and ONL provided in APP1, however O4 appears to apply to all ONF and ONL areas, including those in APP1. Clarification would be supported to ensure in the event these provisions are relied on through the consent process, clarity is provided.	Amend to provide clarity.
4.	NFL-R5 3)	Support	KiwiRail support the provision for vegetation clearance that endangers network utilities as a permitted activity.	Retain as proposed.
5.	NFL-R6	Support	The ability to maintain existing lawfully established structures is supported.	Retain as proposed.
3A – Network Utilities				
6.	Policy 1.5	Seek amendment	KiwiRail support recognition for network utilities in Significant Amenity Features as identified in NFL-APP2, however also seek that consistent recognition is given in the policy framework in relation to network utilities in the Outstanding Natural Features and Outstanding Natural Landscapes as identified in NFL-APP1.	Amend policy as follows: <i>To ensure network utilities are constructed and located in a manner sensitive to the amenity and landscape values where they are located, including those areas identified as Outstanding Natural Features and Outstanding Natural Landscapes in NFL-APP1 and Significant Amenity Features in NFL-APP2.</i>
7.	Objective 3 and Policy 3.1	Seek Amendment	KiwiRail supports the intent of the objective, however has a concern that existing uses, and any associated maintenance or improvements to these, may not align with the characteristics and values of the ONF and ONL that are to be protected. Protection is considered a high threshold to be addressed, and may not allow rail associated works necessary for the safe operation of the network, to be undertaken. Further to that, the appropriateness or otherwise of works proposed is often a subjective assessment and provides no certainty for KiwiRail that works would be facilitated by this Objective.	Amend as follows: <i>The characteristics and values of the Outstanding Natural Features and Landscapes identified in NFL-APP1 and historic heritage are protected from the inappropriate use and the development of network utilities is facilitated.</i>
8.	Policy 3.2	Seek amendment	KiwiRail is concerned with the adoption of an 'avoid' policy, and the unreasonably high threshold this may establish, which in turn may prevent KiwiRail from carrying out the works necessary to maintain a safe and efficient rail network. In the event of consent being required, the use of 'avoid' does not enable the management of significant adverse cumulative effects. KiwiRail would support clarity for a consenting pathway where works are required that may need resource consent.	Amend as follows: <i>To avoid, remedy, mitigate or offset significant adverse cumulative effects from new network utilities on the characteristics and values of Outstanding Natural Features and Landscapes.</i>
9.	Policy 3.3	Support	KiwiRail support the policy, specifically that it enables effects to be remedied or mitigated, and provides recognition for infrastructure of national or regional importance.	Retain as proposed.
10.	Policy 3.4	Support	The specific policy direction to enable the operation, maintenance, replacements or minor upgrading of existing network utilities is supported.	Retain as proposed.
11.	3A.4.3 Permitted Activity Standard	Seek amendment	The permitted standard as proposed restricts works to the road corridor.	Amend as follows:

Submission Number	Proposed Amendment	Support/Oppose/Seek Amendment	Feedback/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
	(j)		Noting that ONF-13 includes the rail corridor, KiwiRail would support the explicit recognition of the rail corridor in the permitted standards to ensure clear direction that works within this corridor are permitted even where identified in the ONF provisions.	<i>Works that are undertaken outside of an existing road corridor carriageway <u>or railway corridor</u>, or that are not operation, maintenance, replacement or minor upgrading works must not be located within the areas scheduled in Appendix 1A (Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves), 1D (Trees with Heritage Value), 1E (Buildings and Objects with Heritage Value), 1F (Sites with Heritage Value), Outstanding Natural Features and Landscapes identified in NFL-APP1 or Significant Amenity Features identified in NFL-APP2 of this Plan.</i>
Maps				
12.	ONF-13 Map	Seek Amendment	Similar to the earlier feedback provided, KiwiRail seek that the existing operational rail corridor designation be removed from the ONF mapping. It is a mapped and defined corridor and able therefore to be explicitly excluded from the area covered by the ONF. The rail corridor has been in place for a long time and is well recognised in the community.	Amend the map for ONF-13 to remove rail designation

