



# **Plan Change 43 - Transportation And Plan Change 44 - Works and Network Utilities**

## **Original Submissions**





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**Kelly Moulder**

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**From:** WEBMASTER [webmaster@mpdc.govt.nz]  
**Posted At:** Tuesday, 19 November 2013 09:54  
**Conversation:** Proposed plan changes submission  
**Posted To:** Submissions (Corporate Planning)  
  
**Subject:** Proposed plan changes submission

**Full name\*:** John Richard Mellow

**Contact person:** John

**Address\*:** 2562 S/H 26 RD 2

Morrinsville

**Phone:** 078896497

**Email\*:** [johnandcols@hotmail.co.nz](mailto:johnandcols@hotmail.co.nz)

**Fax:**

**The specific provisions of the plan change that my submission relates to are::** Remove the 5.2.9 clause

**My submission is (include whether you support or oppose the specific provisions or wish to have them amended, and the reason for your views):** We feel vicimised for living in 70K area against 50K area t o reduce the noise. Silent seal would eleviate this problem.

**I seek the following decision from Council (please give precise detail):** Decline the plan change

**I wish to present at the Council planning hearing:** yes

**I would be prepared to present a joint case at the hearing with others making a similar submission:** yes

**You could gain an advantage in trade competition through this submission:** no

**If you could gain an advantage in trade competition through this submission please complete the following:** no

**Kelly Moulder**

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**From:** Mike Foster [mike@zomac.co.nz]  
**Sent:** Thursday, 21 November 2013 09:54  
**To:** Patrick Clearwater  
**Subject:** PLAN CHANGE 43- SUBMISSION BY PROGRESSIVE ENTERPRISES LTD  
**Attachments:** 20131121094014.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Patrick,

Further to Council's letter to us dated 30 October 2013, on behalf of Progressive Enterprises Ltd we attach a submission to plan change 43.

I would be pleased if you could acknowledge receipt of it in the usual manner.

Regards,  
Mike

Mike Foster  
P O Box 103, Whangaparaoa 0943  
Ph 09 428 2101 Fax 09 428 2102



**SUBMISSION ON PROPOSED DISTRICT PLAN CHANGES  
MATAMATA-PIAKO DISTRICT PLAN  
PLAN CHANGE 43 TRANSPORTATION**

**TO:** MATAMATA-PIAKO DISTRICT COUNCIL

**NAME OF SUBMITTER:** PROGRESSIVE ENTERPRISES LIMITED

**SUBMISSION ON:** Proposed Plan Change 43 Transportation

**TRADE COMPETITION:** I could not gain an advantage in trade competition through this submission. I am directly affected by an effect of the subject matter of the submission that:

- (a) Adversely affects the environment; and
- (b) Does not relate to trade competition or the effects of trade competition.

1. The specific provisions of the plan change that my submission relates to are:

Section 9: Transportation

- i. Part A – Section 3.8.1 Significant resource management issues
- ii. Part B – Section 1.1.1(x)
- iii. Part B – Section 9.1.1 Rooding Hierarchy
- iv. Part B – Section 9.1.2 Access
- v. Part B – Section 9.1.3 On-site Loading
- vi. Part B – Section 9.1.4 On-site Carparking
- vii. Part B – Section 9.1.5 General parking, loadings and formation standards
- viii. Part B – Section 15 Definitions

2. My submission is:

- i. The proposed amendments to Section 3.8.1 are supported in principle and should be adopted without modification.
- ii. The inclusion of a new sub-clause (x) is supported because it represents good industry practice.
- iii. The proposed rooding hierarchy is supported and should be adopted without modification.
- iv. The proposed amendments to section 9.1.2 are largely supported in principle, except with respect to the activity status for activities likely to generate 50 vehicle movements or more per day. It is also necessary to ensure that there is sufficient flexibility to recognise the operational requirements of supermarkets where vehicle crossings up to 9.5m in width are sometimes required to accommodate the tracking curves of B-trains.
- v. The proposed amendments to section 9.1.3 are supported and should be adopted without modification. The reference to RTS 18 New Zealand On-Road Tracking Curves for Heavy Motor Vehicles is endorsed.

- vi. The proposed amendments to section 9.1.4 are supported and should be adopted without modification. The requirement that supermarkets provide one car parking space per 20m<sup>2</sup> gross floor area is an industry standard for Countdown supermarkets.
- vii. The proposed amendments to section 9.1.5 are supported and should be adopted without modification.
- viii. The inclusion of a supermarket definition in Section 15 is supported in part only.

3. I seek the following decision from Council:

Section 3.8.1

Adopt the significant resource management issues as drafted.

Section 1.1.1

Adopt the inclusion of sub-clause (x) as drafted.

Section 9.1.1

Adopt the Roading Hierarchy as drafted.

Section 9.1.2

Amend the Activity Table to provide for existing and new vehicle crossings onto all roads which do not comply with Performance Standard 9.1.2(iii)(a)(iii) as Restricted Discretionary Activities. The current table provides Restricted Discretionary or Controlled status for vehicle crossings not meeting separation distances between vehicle crossings and it is appropriate that vehicle movements be treated in the same manner.

The matters which Council has discretion with respect to includes: the traffic volumes and mix; speed environment; the number of vehicle crossings; effects on the function, safety and efficiency of the transport network; integration of land use with transport; the results of an Integrated Transport Assessment; and methods to avoid, remedy or mitigate adverse effects on the road transport network. All these matters are appropriate for a consideration of vehicle numbers utilising a vehicle crossing and should be applied.

Section 9.1.3

Adopt the on-site loading provisions as drafted with particular reference to the "Road and Traffic Guidelines of RTS 18 New Zealand On-road Tracking Curves for Heavy Vehicles."

Section 9.1.4

Adopt the on-site parking requirements as drafted and in particular the parking requirement of 1 space per 20m<sup>2</sup> for supermarkets.

Section 9.1.5

Adopt the general parking, loading and formation standards as drafted.

Section 15

Amend the definition of 'supermarket' to the following:



*"Supermarket" means a retail shop where a comprehensive range of predominantly domestic supplies and convenience goods and services are sold for consumption or use off the premises and includes lotto shops and pharmacies located within such premises and where liquor licenses are held for each premise. Supermarkets are exempt from compliance with Local Alcohol Policies.*

There is no soundly based resource management reason for specifying a minimum floor area of 500m<sup>2</sup> in the definition.

4. Progressive wishes to be heard in support of this submission.
5. If others make a similar submission Progressive will consider presenting a joint case with them at a hearing.



Signature of Person authorised to sign on behalf of the submitter

Date: 20 November 2013

Address for Service: Progressive Enterprises Limited  
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Contact Person: Mr Mike Foster

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Kelly Moulder

**From:** Ursula Lehr [Ursula.Lehr@waikatoregion.govt.nz]  
**Posted At:** Monday, 25 November 2013 14:58  
**Conversation:** Waikato Regional Council - Submission to Plan Changes 43, 44  
**Posted To:** Submissions (Corporate Planning)  
  
**Subject:** Waikato Regional Council - Submission to Plan Changes 43, 44  
  
**Categories:** Green Category

Good afternoon

Please find the Waikato Regional Council submission to the proposed District Plan Changes 43 and 44 - attached.

**Ursula Lehr** BSc, MRRP, MNZPI | Policy Advisor | Regional Integration  
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Please consider the environment before printing this email



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\*\*\*\*\*

File No: 22 06 50  
Document No: 2906779  
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25 November 2013

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Attn: Submissions to District Plan

Dear Sir/Madam

**Waikato Regional Council Submission to MPDC Plan Change 43 – Transportation, and Plan Change 44 – Works and Networks Utilities**

Thank you for the opportunity to submit on Plan Changes 43 and 44. Please find attached Waikato Regional Council's submission in regard to this document. Should you have any queries regarding the content of this submission please contact Ursula Lehr directly on (07) 859 0966 or by email at [Ursula.lehr@waikatoregion.govt.nz](mailto:Ursula.lehr@waikatoregion.govt.nz)

Yours faithfully

Tracey May

**Acting Group Manager, Policy and Transport**



## **Introduction**

Waikato Regional Council appreciates the opportunity to make a submission on Plan Changes 43 and 44. Overall, Waikato Regional Council supports the provisions of these plan changes.

This submission is seeking some minor amendments to further improve consistency with the Regional Council's statutory provisions. The following provides an overview of the regional provisions against which Waikato Regional Council has assessed Plan Change 43 and 44. Detailed submission points to the Plan Change are located in Attachment One.

The two documents considered most relevant to be applied to Plan Changes 43 and 44 are the Proposed Waikato Regional Policy Statement (PWRPS) and the Waikato Regional Land Transport Strategy (RLTS). They have been used as basis for the Waikato Regional Council submission.

## **2. Proposed Waikato Regional Policy Statement**

The PWRPS was notified on 3 November 2010. In accordance with Section 75(3)(c) of the Resource Management Act (RMA), District Plans are required to give effect to Regional Policy Statements. In accordance with Section 74(2)(i) of the Resource Management Act, when reviewing the District Plan the territorial authority shall have regard to any proposed regional policy statement. Whilst it is recognised that until it starts to become operative, the PWRPS carries less weight than the Operative RPS under the Resource Management Act, it does reflect Waikato Regional Council direction on significant resource management issues for the Waikato region for the next 10 years.

Decisions on the PWRPS were notified on 2 November 2012, following consideration of all submissions received. This is a significant milestone in terms its progress towards becoming operative, and the regard that the PWRPS should be afforded. Therefore the Waikato Regional Council considers that the PWRPS needs to be given due consideration during the decision making process.

### **3. Waikato Regional Land Transport Strategy**

The RLTS sets a direction to move the region away from a traditionally road based transport system to a multi-modal integrated transport system based on a set of guiding policies and actions that prioritise decision making and investment on three core areas:

- prioritising investment in a defined set of strategic corridors
- targeting road safety improvement under a safe system approach
- focusing travel demand management and alternative mode interventions (public transport and walking and cycling)

The RLTS has set out a wide range of policies and actions that will support the implementation of the PWRPS and guide future transport planning and decision making in the Waikato region.

Pursuant to sections 66 and 74 of the RMA, a district plan shall have regard to any management plans and strategies prepared under other Act.

### **4. General Submission**

Waikato Regional Council generally supports the intent of Plan Changes 43 and 44. Except where amendments have been requested in the detailed submission points, Waikato Regional Council requests that the proposed Plan Changes 43 and 44 be retained.

Several parts of the PWRPS are of relevance to the Plan Changes 43 and 44. The District's transport lines and network utilities have a clear relationship to the built environment, and further they can also affect the natural resources. Accordingly, there are three policies that are most relevant. They are under the Built Environment section and the Freshwater Bodies section. The latter directs district plans to manage the effects of subdivision, use and development on freshwater bodies.

Firstly, policies 6.1 and 6.3 of the PWRPS Built Environment section apply. Policy 6.1 provides for the planned and coordinated development of the built environment. It has to (a) have regard to the principles in section 6A (through Method 6.1.1); (b) recognise and address potential cumulative effects; and (c) be based on sufficient information to



allow assessment of the potential long-term effects of development. The above plan change presents the opportunity to address all three components through the district plan provision changes under 2.4 Sustainable management strategy and under 3.7 Works and networks utilities.

Policy 6.3 of the PWRPS deals with the coordination of growth and infrastructure, requiring that management of the built environment ensures (a) in new development the coordination between nature, timing, sequencing; and funding, implementation, operation of infrastructure; (b) the spatial pattern of land use development is understood; (c) the efficiency and effectiveness of infrastructure is maintained, including for future upgrades; (d) this approach also takes place across regional and district boundaries and agencies. Method 6.3.1 of the PWRPS requires a long-term strategic approach in district plans. The above provisions are relevant to the proposed district plan provisions in section 2.4 Sustainable management strategy, 6. Integrated land use.

Policy 6.6 deals with regionally significant infrastructure and energy resources. Under Method 6.6.1, provisions shall be included in district plans that give effect to this policy. In the proposed plan change, the objectives and policies under “2.4 Sustainable management strategy, 7. Regionally significant infrastructure”, seek to give effect to Policy 6.6 of the PWRPS. This way, they ensure the strategic function of this infrastructure is recognised and protected in the District Plan.

Method 8.3.9 of the PWRPS provides the ways in which territorial authorities should manage subdivision, use and development through their district plans, to address the various effects it can have on water bodies. The above plan change provides an opportunity to give due consideration to this PWRPS method. This can be particularly addressed through our suggested amendments to the district plan change provisions in 2.4 Sustainable management strategy sections 6, 7 and 8, and through the corresponding rules.

Beyond the PWRPS, the RLTS is of high relevance. A statutory document prepared under the Land Transport Management Act 2003, the RLTS sets out a wide range of policies and actions that will support and complement the implementation of the PWRPS, guiding future transport planning in the Waikato region. For the proposed district plan changes, the RLTS provisions apply in sections “2.4 Sustainable

management strategy, 6. Integrated land use and infrastructure” and 3.8.2 Transportation Table.

The following detailed submission (Attachment One) elaborates on the details of the proposed plan change provisions, with respect to all of the above regional policy documents.

#### **4. Detailed Submission**

As discussed above, Waikato Regional Council is generally very supportive of the provisions of Plan Changes 43 and 44. The specific submission points are contained in **Attachment One** of this submission.

Waikato Regional Council **does wish to be heard** in support of this submission.



## Attachment One

Provision / paragraph	Support / oppose	Feedback	Relief sought
<b>Part A - 2. Sustainable management strategy</b>			
2.4 Sustainable management strategy - table 6. Integrated land use and infrastructure O1, bullet-points 1 and 2 Page 2:12	Support	We support bullet-points 1 and 2 under O1 in the context of ensuring coordinated and integrated planning of land use and infrastructure. This is consistent with Policies 6.1 and 6.3 of the PWRPS. We also support the special consideration being given to the 'regionally significant infrastructure' under this objective. This will ensure that the form and function of regionally significant infrastructure is protected from inappropriate land use development.	Retain O1
2.4 Sustainable management strategy - table: 6. Integrating land use and infrastructure O1, bullet 3 Page 2:13	Support in part	O1 bullet 3 acknowledges that the integration of land use and infrastructure also needs to look at the sustainable management of natural resources. However, the related policies do appear to not reflect this point of the Objective.	Retain O1.  Add to P1 the following bullet point in relation to O1: <ul style="list-style-type: none"> <li>Adverse effects on the <u>natural and physical environment</u> can be <u>appropriately avoided, remedied and mitigated.</u></li> </ul> Make consequential amendments to the rules to ensure this point is fully implemented.
2.4 Sustainable management strategy - table 6. Integrated land use and infrastructure P1 – P5 Page 2:12 – 2:13	Support	Waikato Regional Council supports this set of policies. These policy provisions reflect the importance of co-ordinating growth with infrastructure to manage the adverse effects of development, which is consistent with Policies 6.1 and 6.3 of the PWRPS. Policies 2 and 3 also recognise the importance of making the best use of existing infrastructure before new infrastructure is provided. This is consistent with the policy principles 3 and 6 of the RLTS.	Retain P1- P5
2.4 Sustainable management strategy - table: 6. Integrating land use and infrastructure	Support	It is good that the District Plan also recognises and encourages alternative infrastructure such as rainwater harvesting, rain gardens and grey water recycling techniques which help to reduce pressures on drinking water, wastewater and stormwater networks. These	Retain P6

Provision / paragraph	Support / oppose	Feedback	Relief sought
P6 Page 2:13		sustainable design technologies included in section 6A of the PWRPS are a way to plan for development without the need for infrastructure services. They can significantly reduce the cost of building, upgrading and maintaining infrastructure and so help to address the significant resource management issues discussed above.	
2.4 Sustainable management strategy – table 7. Regionally significant infrastructure O1 – O3 P1 – P 6 Page 2:14	Support	Regionally significant infrastructure (as defined in the PWRPS) plays an important role in supporting the social and economic wellbeing of the nation and the region. This set of objectives and policies gives effect to Policy 6.6 of the PWRPS by ensuring the strategic function of this infrastructure is recognised and protected in the District Plan. We also support the recognition of regionally significant infrastructure needs, to be managed in a balanced way that recognises its benefits, while avoiding adverse effects as far as practicable.	Retain O1-O3 and P1- P6
2.4 Sustainable management strategy – table 7. Regionally significant infrastructure Explanations and reasons: Waihou/Piako Flood Protection Assets Page 2:14	Support in part	We support the inclusion of maps showing the location of Waikato Regional Council flood protection flood protection and drainage assets. However we acknowledge there are often changes to these maps. Both due to physical changes and corrections and refinement of information.	Ensure the wording in the Plan reflects that there may be changes to the asset information due to physical changes and correction and refinements.  WRC would welcome the opportunity to work with Matamata Piako District Council on appropriate wording.
2.4 Sustainable management strategy - table: 8. Energy efficiency and renewable energy generation	Support	The section is consistent with PWRPS Objective 3.4 energy; Policy 6.5 Energy demand management; and 6A Development principle k).	Retain this section as a whole, except where amendments are sought below.



Provision / paragraph	Support / oppose	Feedback	Relief sought
2.4 Sustainable management strategy - table: 8. Energy efficiency and renewable energy generation P2, bullet 1	Oppose	P2, bullet 1 states: "... their connections to the electricity transmission grid are enabled while managing: • Significant adverse effects on the environment ...". We object too this wording in which only the 'significant' effects on the environment. The above wording is too vague and suggests that any other non-significant effect on the natural environment is acceptable. Consideration needs to be given to any adverse effects on the environment, direct and indirect, in order to avoid cumulative impacts.	Change P2 bullet 1 with amended wording: "... their connections to the electricity transmission grid are enabled while managing: • Significant adverse effects on the environment ...".  Make consequential amendments to the rules to ensure this point is accordingly implemented.
<b>Part A - 3. Environment: 3.7. Works and network utilities</b>			
3.7.2 Works and network utilities - table: 1. Community infrastructure P3, bullet 4 Page 3:34	Support	We support bullet 4: "To ensure that works and network utilities are considered having regard to ... the need for the work in the context of the provision of alternative infrastructure", which is consistent with the PWRPS.	Retain bullet 4 in its present state.  Ensure that this part is fully implemented through the rules.
3.7.2 Works and network utilities - table: 1. Community infrastructure P3, bullet 1 Page 3:34	Support in part	P3, bullet point 1 states: "To ensure that works and network utilities are considered having particular regard to: • The degree to which the environment has already been modified". WRC recommends that further effects on already modified environment need to be considered as part of any assessment.	Amend bullet point 1 of P3: "To ensure that works and network utilities are considered having particular regard to: • The degree to which the environment has already been modified further modification would have adverse effects on the natural and physical environment." Make consequential amendments to the rules to ensure the change to this point is fully implemented.

Provision / paragraph	Support / oppose	Feedback	Relief sought
3.8.2 Transportation – Table O1 P3 and P4 Page 3:44	Support	To ensure an integrated, safe and efficient road network, routes must be classified and managed according to their desired form and function. Therefore, we strongly support Objective 1 and Policies 2 and 4, particularly in relation to the use of road hierarchy to manage the function of corridor, and the recognition of significant transport corridors as the highest order of road. This is consistent with Policy 6.6 of the PWRPS, and assists in giving effect to the RLTS strategic corridor approach.	Retain O1, P2 and P4
3.8.2 Transportation – Table O8 P2, P4, P21 and P22 Page 3:44 – 3:45	Support	We support these policy provisions as they seek to encourage alternative transport modes and ensure that the transport needs of an ageing population and the mobility impaired are appropriately considered. This is consistent with the policy direction identified in the RLTS.	Retain O8, P2, P4, P21, and P22
<b>Part B - Plan Change 44 – 8 Works and networks utilities</b>			
8.8.3 Permitted Activities Page 8:35	Support	<p>Waikato Regional Council is very supportive of this rule. MPDC have taken account of existing consent conditions when developing the 8.8.2 Performance Standards. This will reduce duplication and create efficiencies. MPDC have shown excellent understanding of flood protection work requirements and forward thinking to provide the opportunity for permitted activity works.</p> <p>Waikato Regional Council notes that the Upper Piako consent for river and flood protection will be progressed in the next few years. Similar efficiencies may be able to be achieved if alignment of consent condition is able to be achieved.</p>	Retain 8.8.3
<b>General</b>			
	Support	For development of network utilities and other infrastructure	Include a provision in the plan that identifies that



Provision / paragraph	Support / oppose	Feedback	Relief sought
	in part	there will be circumstances where resource consent will be required from both the district and regional council for aspects that fall within the relevant functions of those local authorities. It is considered helpful to plan users if the plan contains wording that reflects this matter.	developers of network utilities and other infrastructure may also require resource consent under the regional plan.
<b>Part B 1 General provision</b>			
1.1.1 Written report (x) Page 1:2	Support in part	We strongly support the use of integrated transport assessment (ITA) which is a requirement of the PWRPS method 6.3.9. However we note the ITA has only been referred in this section, and there is no further guidance around when and how the ITA should be prepared. We believe that there is a benefit for the district plan to provide further guidance on the use of ITA through the inclusion of specific policy, rule and assessment criteria.	Where appropriate, policy, rule and assessment criteria should be included in the District Plan to guide the use of ITA.
<b>Part B 5.9 Infrastructure and servicing</b>			
5.9.2 (i) Performance outcomes for integrated land use and infrastructure Page 5:20	Support	We support the performance outcomes identified in 5.9.2 in relation to infrastructure and servicing. These outcomes reflect the Built Environment outcomes sought in Objective 3.11 of the PWRPS, and are generally consistent with the development principles in section 6A of the PWRPS.	Retain 5.9.2 (i)
<b>9 Transportation</b>			
Rule 9.1.1 Road hierarchy (i) (a) Significant roads Page 9:1	Support	We support the district roading hierarchy identified in this section which recognises the regionally significant transport corridors (as identified in Map 6-1 of the PWRPS) form the highest order road within the district roading hierarchy. We also support the performance criteria and standards under rule 9.1.2, relating to the use and access of strategic roads.	Retain Rules 9.1.1 and 9.1.2



## Kelly Moulder

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**From:** Reginald Proffit [Reginald.Proffit@opus.co.nz]  
**Posted At:** Tuesday, 26 November 2013 09:56  
**Conversation:** Ministry of Education Submission to Proposed Plan Change 43  
**Posted To:** Submissions (Corporate Planning)  
  
**Subject:** Ministry of Education Submission to Proposed Plan Change 43  
  
**Categories:** Green Category

Kia ora

Please find attached a submission by Ministry of Education to Proposed Plan Change 43.

Regards  
Reginald Proffit



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## SUBMISSION ON MATAMATA-PIAKO PROPOSED PLAN CHANGE 43

**To:** Chief Executive Officer  
Matamata-Piako District Council  
PO Box 266  
TE AROHA 3342

**Submission On:** Proposed Plan Change 43

**Name of Submitter:** The Ministry of Education

**Address:** C/- Reginald Proffit  
Opus International Consultants Ltd  
Private Bag 3057  
HAMILTON 3240

### 1. THE PARTS OF THE PROPOSED PLAN CHANGE 43 THIS SUBMISSION RELATES TO ARE:

- Consistent rule framework for educational facilities that have a maximum of 10 pupils.
- An increase to the onsite parking requirements for childcare centres and schools.

### 2. MINISTRY OF EDUCATION BACKGROUND INFORMATION

The Ministry of Education is the Government's lead advisor on the education system, shaping direction for education agencies and providers, and contributing to the Government's goals for education.

The Ministry of Education has the principal role of facilitating the operation of all state primary, intermediate and secondary schools throughout New Zealand. In facilitating the operation of any state school, the Ministry of Education has the function of working alongside school boards of trustees, who have the responsibility to provide a safe, physical and emotional environment for students and staff.

The Ministry of Education has responsibility for strategic leadership, policy development and a substantial operational role in the early childhood and schooling sectors. In the tertiary sector the Ministry of Education is focused on



leadership and setting direction, stewardship and governance and monitoring and evaluation.

The Ministry of Education's activities occur in seven key areas:

- Strategic leadership in the sector
- Support and resources for the community
- Support and resources for education providers
- School property portfolio management
- Support and resources for teachers
- Interventions for target student groups
- Strategic leadership in the tertiary system

### **3. THE MINISTRY OF EDUCATION SUBMITS THAT:**

The Ministry of Education considers that the Proposed Plan Change 43 (PPC) should be amended for the following reasons.

#### **3.1 Educational Facilities with a maximum of 10 pupils**

The Activity Table 2.2 identifies that educational facilities to a maximum of 10 pupils (2.1) are a permitted activity across the district excluding the Kaitiaki Zone.

The Activity Table contained in 9.1.2 (ii) details the activity status and performance criteria for new vehicle crossings in relation to road hierarchy of the District Plan. Permitted activity compliance for new vehicle crossings is assessed against the performance standards 9.1.2(iii)(a)(i)-(v).

Performance standard 9.1.2(iii)(a)(iii) details "there shall be less than an average of 50 car equivalent movements per day within any one week using the vehicle crossing, ...". Non-compliance with the standard results in a consented activity as defined in the Activity Table. Whilst it is unlikely for an educational facility that has a maximum of 10 pupils to exceed this standard, for consistency and simplicity the Ministry of Education requests that educational facilities to a maximum of 10 pupils are excluded from this rule/standard.

#### **3.2 On-site parking requirements**

Section 9.1.4(ii) provides a table listing the parking spaces required for proposed activities. Amendments proposed as part of PPC 43 group and apply parking requirements for educational facilities as either Childcare Centres or Schools.

The amendments and grouping as proposed will mean that the parking requirements will increase for childcare centres, primary and intermediate schools and educational facilities with less than 50 pupils.

Childcare centres will require 1 space for every four children where previously 2 spaces for visitors were required. The majority of childcare centres are converted residential facilities and depending on the ages of children have a caregiver to child ratio of either 1:4 or 1:5. For such a facility catering for 30 children, PPC 43 requires 8 staff parks and 6 drop off parks, a total of 14 parks. As such the requirements as proposed are onerous and unnecessarily create an impediment for such facilities across the District.

The increase in car parking is more severe for Primary and Intermediate Schools and Educational Facilities with less than 50 pupils, as 1 space per full-time equivalent staff member is required instead of the 2:3 ratio under the Operative Plan. Parking based on student numbers is also required so that 1 drop-off space per 20 students instead of the 2 spaces for visitors as required by the Operative Plan. For a school similar to Morrinsville Primary School with a roll of 263 pupils and 16 staff this will equate to 29 car parks.

PPC 43 also increases the requirements for secondary schools. For example a school similar to Te Aroha College which has a roll of 193 students in Years 11 to 13, a predicted roll of 375 and approximately 38 full time equivalent staff would be required to provide a total of 66 car parks. This figure is based on 19 parks for Year 11 to 13 students, 9 drop-offs for the remaining student roll and 38 for full time equivalent staff.

Further to this the wording is unclear as to whether the 1 drop-off space per 20 students relates to the remaining roll not in Year 11 to 13 or whether it should be calculated on the whole school roll including Year 11 to 13 student roll.

The requirements as proposed are onerous and unnecessarily create an impediment for educational facilities across the District. The Ministry of Education requests a reduction in the number of car parking spaces required for childcare centres and Schools. Alternatively the Ministry of Education would support a reinstatement of the provisions contained in the Operative District Plan.

#### **4. THE MINISTRY OF EDUCATION SEEKS THE FOLLOWING FROM THE MATAMATA-PIAKO DISTRICT COUNCIL:**

The Ministry of Education opposes PPC 43 and seeks the following:

- i. An exclusion for educational facilities to a maximum of 10 pupils is inserted in the performance standard 9.1.2(iii)(a)(iii);
- ii. Car-parking requirements in 9.1.4(ii) for Childcare centres or Schools are reduced to a level similar to those contained within the Operative Plan.
- iii. Wording within 9.1.4(ii) specifying car-parks required for schools is amended to clarify the 1 drop-off space per 20 students applies to students not in Year 11 to 13.

**THE MINISTRY OF EDUCATION WISHES TO BE HEARD IN SUPPORT OF ITS  
SUBMISSION**

A handwritten signature in blue ink, appearing to read 'Reginald Proffit', is written over a faint, circular official stamp.

.....  
Reginald Proffit  
As authorised agent for  
The Ministry of Education

25 November 2013

[reginald.proffit@opus.co.nz](mailto:reginald.proffit@opus.co.nz)

Telephone: (07) 838 9344

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## **Kelly Moulder**

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**From:** Tom Anderson [Tom.Anderson@kiwirail.co.nz]  
**Posted At:** Tuesday, 26 November 2013 17:27  
**Conversation:** KiwiRail Submission on Plan Changes 43 and 44  
**Posted To:** Submissions (Corporate Planning)  
  
**Subject:** KiwiRail Submission on Plan Changes 43 and 44  
  
**Categories:** Green Category

Hi There,

Attached please find KiwiRail's submission on MPDC Proposed Plan Changes 43 and 44.

If you have any queries please do not hesitate to contact either myself, or Deborah Hewett, Senior RMA Advisor at KiwiRail (her details are provided in the attached submission).

**Tom Anderson**

RMA Advisor (Consultant)



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Ph:++64-4-498 3389 (internal extn 43389)

Fx:++64-4-473 1460 E: [tom.anderson@kiwirail.co.nz](mailto:tom.anderson@kiwirail.co.nz)

Level 1, Wellington Railway Station, Bunny Street, Wellington 6011 | P O Box 593, Wellington 6140, New Zealand

***Backbone of integrated transport networks***

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26 November, 2013

Submissions (Proposed Plan Changes 43 and 44)  
Matamata-Piako District Council  
PO Box 266  
TE AROHA 3342

**By email to:** [submissions@mpdc.govt.nz](mailto:submissions@mpdc.govt.nz)

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR PLAN, CHANGE OR  
VARIATION (FORM 5)**

**Proposed Plan Change 43 – Transportation and  
Proposed Plan Change 44 – Works and Network Utilities**

**NAME OF SUBMITTER:**

KiwiRail Holdings Limited (KiwiRail)

**ADDRESS FOR SERVICE:**

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

Attention: Deborah Hewett

Ph: 04 498 2127

Fax: 04 473 1460

Email: [deborah.hewett@kiwirail.co.nz](mailto:deborah.hewett@kiwirail.co.nz)

**KiwiRail Submissions on Proposed Plan Changes 43 and 44 to the Matamata-Piako  
District Plan**

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 Holdings Limited is also the Requiring Authority for land designated “Railway Purposes” (or similar) in District Plans throughout New Zealand.

KiwiRail has three separate railway corridors which extend through the Matamata-Piako District, being:

- East Coast Main Trunk Line;
- Waitoa Branch Line; and
- Kinleith Branch Line

These corridors are a key part of the KiwiRail network and KiwiRail seeks to protect its ability to operate, maintain and enhance these corridors into the future.

To achieve this, KiwiRail encourages land uses near the railway corridors that do not compromise the short or long term ability to operate a safe and efficient rail network, both day and night. Where sensitive activities are proposed on land near the railway corridors, appropriate controls should be imposed to ensure their long term amenity.

KiwiRail's submissions on the Proposed Plan Changes 43 and 44 are 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 could not gain an advantage in trade competition through this submission.

KiwiRail wishes to speak to our submission and will consider presenting a joint case at the hearing with other parties who have a similar submission.

Regards

A handwritten signature in blue ink, appearing to read 'D. Hewett', is positioned above the typed name.

Deborah Hewett  
**Senior RMA Advisor**  
**KiwiRail**

**26November 2013**

Submission Number	Plan Section	Support/Oppose/Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
<b>PART A – ISSUES, OBJECTIVES AND POLICIES</b>				
	<b>2.2 Significant Resource of the District</b>			
1	<p><b>Paragraph 5:</b>  <i>In addition to natural resources, the District is also traversed by infrastructure networks that comprise significant physical resources important for the wellbeing of the community. These resources include... the significant rail corridors that provide important freight links to the ports of Auckland and Tauranga</i></p>	Support	KiwiRail supports rail being recognised as a significant resource in the Matamata-Piako District.	Retain paragraph 5 of section 2.2 as notified
	<b>2.3 Significant resource management issues</b>			
2	<p><b>2.3.6 Integrating land use and infrastructure (including transport)</b></p> <ul style="list-style-type: none"> <li><i>Integrating land use, transport and other infrastructure is an important issue because locating new development or allowing expansion where it will hinder strategic networks or where the networks have insufficient capacity, mean that we are not using our existing investment efficiently. It can result in significant expenditure by network providers to mitigate effects on incompatible development, or expose our Council to a liability to fund expensive new investment in infrastructure which could take years to recoup through development and/or financial contributions. It can also result in traffic congestion on roads that are under capacity with resulting delays and inefficiencies, or cause roads that were not planned to carry large traffic volumes and heavy vehicles to deteriorate, adding to our maintenance bill.</i></li> </ul>	Support and Seek Amendment	<p>Bullet Point 5 to issue 2.3.6 reads as though it relates to reverse sensitivity effects on the strategic transport networks without being explicit that this is an issue. Reverse sensitivity describes the effect that development of one kind may have on activities already established in an area. It usually results from the people involved in a newly established activity complaining about the effects of existing activities in an area.</p> <p>The issue states that having new development in an area where it will hinder strategic networks “<i>can result in significant expenditure by network providers to mitigate effects on incompatible development</i>”.</p> <p>It could be construed that this sets an expectation that the network providers will mitigate any reverse sensitivity effects rather than the developer having this responsibility. As such KiwiRail seek an amendment to bullet point 5 that provides for the protection of network providers, which includes the rail corridor, from reverse sensitivity effects from incompatible developments.</p>	<p><b>Alter Bullet Point 5 of 2.3.6 to read:</b></p> <ul style="list-style-type: none"> <li><i>Integrating land use, transport and other infrastructure is an important issue. <del>because</del> Locating new development or allowing expansion where it will hinder strategic networks or where the networks have insufficient capacity, mean that we are not using our existing investment efficiently. It can result in <del>significant expenditure by network providers to mitigate effects on incompatible development</del> <b>reverse sensitivity effects arising on strategic networks</b>, or expose our Council to a liability to fund expensive new investment in infrastructure which could take years to recoup through development and/or financial contributions. It can also result in traffic congestion on roads that are under capacity with resulting delays and inefficiencies, or cause roads that were not planned to carry large traffic volumes and heavy vehicles to deteriorate, adding to our maintenance bill.</i></li> </ul>
3	<p><b>2.3.7 Regionally significant infrastructure networks</b></p> <ul style="list-style-type: none"> <li><i>The significant infrastructure networks referred to previously that traverse the District comprise the significant road corridors (including the state highways), significant rail corridors... These networks are collectively known as “regionally significant infrastructure” and require a specific resource management response that recognises their strategic importance for the economic and social wellbeing of a much wider catchment that can encompass a region-wide area, or, depending on their function, even the whole of the country. Therefore, not enabling or not protecting the operation, maintenance, upgrading or development of regionally significant infrastructure can adversely affect the economic and social wellbeing of national, regional, and local communities.</i></li> <li><i>The maintenance, upgrading, and expansion of these networks often result in adverse local effects, while most of the benefits commonly accrue to the wider community.</i></li> </ul>	Support and Seek Amendment	KiwiRail supports rail corridors being recognised as regionally significant infrastructure. However as there is no definition of a ‘significant rail corridor’ provided in the plan, KiwiRail seeks and amendment to ensure that the entire rail network within the Matamata-Piako District is included as a regionally significant infrastructure.	<p><b>Alter Bullet Point 1 of 2.3.7 to read:</b></p> <ul style="list-style-type: none"> <li><i>The significant infrastructure networks referred to previously that traverse the District comprise the significant road corridors (including the state highways), significant <b>the</b> rail corridors <b>(including the East Coast Main Trunk, Waitoa Branch and Kinleith Branch Lines)</b>... These networks are collectively known as “regionally significant infrastructure” and require a specific resource management response that recognises their strategic importance for the economic and social wellbeing of a much wider catchment that can encompass a region-wide area, or, depending on their function, even the whole of the country. Therefore, not enabling or not protecting the operation, maintenance, upgrading or development of regionally significant infrastructure can adversely affect the economic and social wellbeing of national, regional, and local communities.</i></li> </ul>

Submission Number	Plan Section	Support/Oppose/Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
	<p>Therefore, we need to have a balanced approach to the management of regionally significant infrastructure that:</p> <ul style="list-style-type: none"> <li>• Recognises their wider significance and enables their efficient operation, maintenance, upgrading, and expansion so as to meet the needs of present and future generations; and</li> <li>• Recognises the operational and technical requirements, location and design constraints that apply to these infrastructure networks; while</li> <li>• Managing the adverse environmental effects of the networks on the local receiving environment, and the effects of other activities on the networks (i.e. reverse-sensitivity effects).</li> </ul>			
	<b>2.4 Sustainable Management Strategy</b>			
4	<b>2.4.7. Regionally significant infrastructure</b>	Support	KiwiRail strongly supports the objective and policy framework set out for regionally significant infrastructure set out under section 2.4.7, in particularly Objective 3, which requires reverse-sensitivity effects on regionally significant infrastructure to be avoided, remedied or mitigated.	Retain section 2.4.7 as notified.
	<b>3.4 Subdivision</b>			
5	<b>3.4.2 Subdivision</b> O4: Subdivision of land in a manner that does not adversely affect the function or capacity of transportation networks within the district. Solution (policies) See Section 2.4.6 – Sustainable Management Strategy, Integrating land use and infrastructure	Seek Amendment	KiwiRail seeks to have reverse sensitivity effects recognised in the Subdivision objective and policy framework. There is mention of reverse sensitivity in Objective 4, however KiwiRail seeks that reverse sensitivity be more explicit and that the cross reference to policy includes the reverse sensitivity provisions under 2.4.7 as well as 2.4.6	<p><b>Alter O4 of 3.4.2 to read:</b>  Subdivision of land in a manner that does not adversely affect the function or capacity of transportation networks within the district, <b><u>including the avoidance, remediation or mitigation of potential reverse sensitivity effects.</u></b></p> <p><b>Alter Solutions (policies) of O4, 3.4.2 to read:</b>  See <b><u>Sustainable Management Strategy</u></b> Sections 2.4.6 (<del>— Sustainable Management Strategy, Integrating land use and infrastructure</del>) <b><u>and 2.4.7 (Regionally significant infrastructure)</u></b></p>
	<b>3.5 Amenity</b>			
6	<b>3.5.2 Amenity</b> O6: To ensure that subdivision and land use activities are located and sited in a manner that recognises infrastructure networks	Seek Amendment	KiwiRail seeks to have reverse sensitivity effects recognised in the Amenity objective and policy framework. There is mention of reverse sensitivity in Objective 6, however KiwiRail seeks that reverse sensitivity be more explicit.	<p><b>Alter O6 of 3.5.2 to read:</b>  To ensure that subdivision and land use activities are located and sited in a manner that recognises infrastructure networks, <b><u>and avoids, remedies or mitigates any potential reverse sensitivity effects on those infrastructure networks.</u></b></p>
	<b>3.7 Works and Network Utilities</b>			
7	<b>3.7.1 Significant resource management issues</b>	Support	KiwiRail supports the significant resource management issues recognised in the introduction to the Works and Network Utilities section, in particular the cross reference to regionally significant infrastructure in Bullet Point 1 and the recognition that works and network utilities are protected from incompatible land use and reverse sensitivity effects in Bullet Point 4.	Retain section 3.7.1 as notified.
	<b>3.8 Transportation</b>			
8	<b>3.8.1 Significant resource management issues</b>	Seek Amendment	KiwiRail generally supports the significant resource management issues identified for transportation under section 3.8.1. KiwiRail however does seek some minor amendments in order to ensure that the names of the rail lines in the District Plan are consistent with the names KiwiRail refer to them as, and also to ensure that all railway corridors in the District are recognised as “significant transport infrastructure”.	<p><b>Alter Significant transport infrastructure Paragraph 4 to read:</b>  The railway network in our District comprises:</p> <ul style="list-style-type: none"> <li>• The Kinleith Branch <b><u>Line</u></b> Railway, <b><u>Waitoa Branch Line</u></b> and the East Coast Main Trunk <b><u>Line</u></b> Railway that passes <b><u>carry significant volumes of freight, including dairy and forestry goods,</u></b> through the District <b><u>generally</u></b> en-route to the Port of Tauranga, with freight stations at Waharoa and Morrinsville; <b><u>and</u></b></li> <li>• <del>The Waitoa Industrial Rail line, currently used only by Fonterra, connecting the Waitoa and Morrinsville dairy factories.</del></li> </ul>



Submission Number	Plan Section	Support/Oppose/Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
				<p><b>Alter Significant transport infrastructure Paragraph 8 to read:</b>  <i>The RLTS is required to be aligned with, and form a key tool for implementing the RPS's transport objectives. The RLTS further refines the RPS policy framework by distinguishing, within the RPS's "significant transport infrastructure" category, between nationally, regionally, and sub-regionally significant road corridors, and between nationally and regionally significant rail corridors... For the railway network, the RLTS identifies the East Coast Main Trunk <u>Line</u> Railway as nationally significant, and the Kinleith Branch Rail <u>Line</u> as regionally significant. <b><u>It should be noted however that all rail corridors in the District are considered to be Regionally Significant Infrastructure under the definition provided in Section 15 of this District Plan.</u></b></i></p>
9	<p><b>3.8.2 Transportation</b>  <i>O1 The strategic importance of significant transport infrastructure is recognised.  O2 A safe, efficient, integrated, and environmentally sustainable transport network that ensures our social, economic, and cultural wellbeing.</i></p>	Support	KiwiRail generally supports the Objectives established for Transportation within the Matamata-Piako District, in particular Objectives 1 and 2.	Retain O1 and O2 of section 3.8.2 as notified.
10	<p><i>P3 Subdivision, use and development shall enable a safe, integrated, efficient, and well connected transport network that provides for all modes of passenger and freight transport in a manner that:</i></p> <ul style="list-style-type: none"> <li>• <i>Ensures land-use and transportation successfully interface with each other;</i></li> <li>• <i>Manages the adverse environmental effects of the network, and the effects of other activities on the network (i.e. reverse-sensitivity effects);</i></li> <li>• <i>Considers the transport needs of an ageing population; and:</i></li> <li>• <i>Ensures route security across all modes of travel.</i></li> </ul>	Support	KiwiRail strongly supports Policy 3 in that it ensures subdivision use and development must consider any reverse sensitivity effects which may arise on the transport network.	Retain P3 of section 3.8.2 as notified.
11	<i>P6 To manage the location of subdivision and land use activities to avoid compromising road intersection and railway level crossing safety sightlines</i>	Support	KiwiRail strongly supports Policy 6, which introduces railway level crossing safety sightlines. Although level crossing accidents make up a low proportion of accidents, they have a greater probability of a death or serious injury than other road accidents. This is largely to do with the mass and speed of a train and an inability of the train to brake or take evasive action. As such, railway level crossing safety sightlines and controls must be included within the District Plan.	Retain P6 of section 3.8.2 as notified.
12	<i>P9 To implement noise abatement measures along State highways, District arterials, operational railway lines, and at the Matamata airports.</i>	Seek Amendment	KiwiRail generally supports this policy, although an amendment is sought in order to provide more clarity. Noise is only one of a number of reverse sensitivity effects which can arise from new activities on land which adjoins the railway network. As such an amendment is sought that provides an awareness of reverse sensitivity overall rather than just limit the policy to noise.	<p><b>Alter P9 of 3.82 to read:</b>  <i>To implement <del>noise abatement measures along</del> <b><u>reverse sensitivity controls for land near</u></b> State highways, District arterials, <del>operational</del> <b><u>the railway corridor</u></b> lines, and at the Matamata airports.</i></p>
<b>PART B – RULES</b>				
	<b>1 General Provisions</b>			
13	<i>1.1.1(vi) ...As part of an assessment of effects, the applicant may be required, unless it is unreasonable in the circumstances, to consult as part of the assessment with the following</i>	Seek Amendment	A minor amendment is sought to the wording of general provision 1.1.1(vi). The New Zealand Railways Corporation no longer exists as an entity and has been replaced by 'KiwiRail Holdings Limited', which trade as 'KiwiRail'. It	<p><b>Amend General Provision 1.1.1(vi) to read:</b>  <i>1.1.1(vi) ...As part of an assessment of effects, the applicant may be required, unless it is unreasonable in the circumstances, to consult as part of the assessment with the following persons as appropriate:...</i></p>

Submission Number	Plan Section	Support/Oppose/ Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
	persons as appropriate:... • New Zealand Railways Corporation (KiwiRail);		should be noted that KiwiRail Holdings Limited is also the Requiring Authority for land designated “Railway Purposes” in District Plans throughout New Zealand.	• <del>New Zealand Railways Corporation</del> <b>KiwiRail Holdings Limited</b> (KiwiRail);
14	<b>3 Development Controls</b> <b>3.7 Approach and restart sight triangles at railway level crossings (all District Plan zones)</b> (i) <i>Permitted activities</i> <i>Any buildings, structures, walls, fences or vegetation not causing an obstruction to lines of sight of oncoming railway traffic erected within the obstruction free zone (see Development Manual) at public railway level vehicle crossings are a permitted activity.</i> (ii) <i>Restricted-discretionary activities</i> <i>Any buildings, structures, walls, fences or vegetation causing an obstruction to lines of sight of oncoming railway traffic erected within the obstruction free zone (see Development Manual) at public railway level vehicle crossings are a restricted discretionary activity.</i> (iii) <i>Matters of discretion</i> <i>The Council has restricted its discretion to the following matters, and may impose conditions relating to these matters if consent is granted:</i> (a) <i>The extent to which the nature, location, scale, and height of any obstruction will impede visibility along the railway line;</i> (b) <i>The extent to which the obstruction will adversely affect the safety of vehicles using the crossing and the safety and efficiency of the railway network and the road network in the immediate vicinity having regard to the geometry and orientation of the crossing and the speed and volume of traffic on the road and on the railway line;</i> (c) <i>Methods to avoid, remedy, or mitigate adverse effects on the efficiency of the railway and road networks;</i> (d) <i>Methods to avoid, remedy, or mitigate adverse effects on the safety of vehicles using the crossing and the safety of the railway network;</i> (e) <i>Cumulative effects on the railway and road networks;</i> (f) <i>Any matters identified by the railway operator or the roading authority.</i> (iv) <i>Non-notification</i> <i>Applications utilising Rule 3.7(ii) that do not simultaneously trigger other consent requirements, shall not be publicly notified and shall not be served on any party other</i>	Support and Seek Amendment	KiwiRail strongly supports Rule 3.7 ‘Approach and restart sight triangles at level crossings (all District Plan zones. As stated in submission 11 above, although level crossing accidents make up a low proportion of accidents, they have a greater probability of a death or serious injury than other road accidents. KiwiRail seek an amendment to include the sight triangles included within the District Plan itself, not in a separate document (the Development Manual). It is appreciated that the Development manual is integrated into the District Plan, however KiwiRail are unsure as to whether the provisions of the Development Manual have such a rigorous change process if provisions are to change, whereas if the sightline provisions were in the District Plan, they could not be changed without going through the formal Plan Change process, which would give KiwiRail the opportunity to submit. As such an amendment is sought to insert the approach and restart sight triangles (as included in Appendix A of this submission) into Rule 3.7. Amendments are also sought to the notification expectations for developments that impinge on Rule 3.7 to ensure that KiwiRail is notified for all potential infringements of this rule.	<b>Amend Rule 3.7 to read:</b> <i>3.7 Approach and restart sight triangles at railway level crossings (all District Plan zones)</i> (i) <i>Permitted activities</i> <i>Any buildings, structures, walls, fences or vegetation not causing an obstruction to lines of sight of oncoming railway traffic erected within the obstruction free zone (see <del>Development Manual</del> <b>3.7.1 below</b>) at public railway level vehicle crossings are a permitted activity.</i> (ii) <i>Restricted-discretionary activities</i> <i>Any buildings, structures, walls, fences or vegetation causing an obstruction to lines of sight of oncoming railway traffic erected within the obstruction free zone (see <del>Development Manual</del> <b>3.7.1 below</b>) at public railway level vehicle crossings are a restricted discretionary activity.</i> (iii) <i>Matters of discretion</i> <i>The Council has restricted its discretion to the following matters, and may impose conditions relating to these matters if consent is granted:</i> (a) <i>The extent to which the nature, location, scale, and height of any obstruction will impede visibility along the railway line;</i> (b) <i>The extent to which the obstruction will adversely affect the safety of vehicles using the crossing and the safety and efficiency of the railway network and the road network in the immediate vicinity having regard to the geometry and orientation of the crossing and the speed and volume of traffic on the road and on the railway line;</i> (c) <i>Methods to avoid, remedy, or mitigate adverse effects on the efficiency of the railway and road networks;</i> (d) <i>Methods to avoid, remedy, or mitigate adverse effects on the safety of vehicles using the crossing and the safety of the railway network;</i> (e) <i>Cumulative effects on the railway and road networks;</i> (f) <i>Any matters identified by the railway operator (<b>KiwiRail</b>) or the roading authority.</i> (iv) <i>Non-notification</i> <b><u>The rail operator (KiwiRail) and the road controlling authority (NZTA and/or the Council) must be consulted for any proposed buildings, structures, walls, fences or vegetation within the obstruction free zone.</u></b> Applications utilising Rule 3.7(ii) that do not simultaneously trigger <b><u>any</u></b> other consent requirements, shall not be publicly notified and shall not be served on any party other than the railway operator ( <b>KiwiRail</b> ) and the road controlling authority (NZTA and/or the Council). <b><u>3.7.1 Level Crossing Sight Triangles and Explanations</u></b> <b>[Insert Appendix A to this submission as the text for 3.7.1]</b>

Submission Number	Plan Section	Support/Oppose/ Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)																																											
	than the railway operator and the road controlling authority (NZTA and/or the Council).																																														
	5 Performance Standards- all activities																																														
15	<p><b>5.2 Noise</b></p> <p><b>5.2.9 Internal noise limits – railway lines and state highways</b></p> <p>(i) Performance Standards</p> <p>(a) New buildings or additions to existing buildings to be used for a noise sensitive activity located:</p> <p>(i) Within 40m of an operational railway line;</p> <p>(ii) Within 80m of a state highway where the site’s frontage has a posted speed limit of 70km/h or above; or</p> <p>(iii) On a front site or a corner site that directly adjoins a state highway where the posted speed limit is less than 70km/h and that has a complying building platform that is within 40m of the state highway;</p> <p>Shall be designed, insulated, constructed, or screened by suitable barriers to ensure that noise received within any new bedroom, habitable space, or other space containing a noise sensitive activity, will not exceed the limits below:</p> <table><tr><th rowspan="2">Space</th><th colspan="2">Internal noise limit</th></tr><tr><th>Road traffic noise</th><th>Railway noise</th></tr><tr><td>Inside bedrooms</td><td></td><td>35 dBA LAeq(1 hour) at all times</td></tr><tr><td>Inside other habitable rooms</td><td></td><td>40 dBA LAeq(1 hour) at all times</td></tr><tr><td>Inside other spaces containing a noise sensitive activity</td><td colspan="2">No greater than the recommended maximum design guidelines in AS/NZS 2107-2000: Acoustics – recommended design sound level and reverberation times for building interiors</td></tr></table> <p>(b) The distances referred to above are measured from the:</p> <ul style="list-style-type: none"><li>• Edge of a railway track;</li><li>• Edge of seal of the state highway;</li><li>• Face of the closest external wall of a new building or addition to an existing building.</li></ul> <p>(c) If windows are required to be closed to achieve the noise limits above, the building shall be designed and constructed to provide an alternative means of ventilation in accordance with the Clause G4 of the New Zealand Building Code.</p> <p>(d) An acoustic design report prepared by an appropriately qualified practitioner</p>	Space	Internal noise limit		Road traffic noise	Railway noise	Inside bedrooms		35 dBA LAeq(1 hour) at all times	Inside other habitable rooms		40 dBA LAeq(1 hour) at all times	Inside other spaces containing a noise sensitive activity	No greater than the recommended maximum design guidelines in AS/NZS 2107-2000: Acoustics – recommended design sound level and reverberation times for building interiors		Support and Seek Amendment	<p>KiwiRail strongly supports the Noise limits proposed under Rule 5.2.9. However due to recent advice KiwiRail has received, the noise standards that are referred to in Plan Change 43 and 44 have been superseded. As such some amendments are sought to the provisions of 5.2.9 to reflect KiwiRails standards.</p>	<p><b>Amend Rule 5.2.9 to read:</b></p> <p><b>5.2.9 Internal noise limits – railway lines and state highways</b></p> <p>(i) Performance Standards</p> <p>(a) New, <b>relocated and altered dwellings and</b> <del>buildings or additions to existing buildings to be used for a noise sensitive activity</del><b>ies</b> located:</p> <p>(i) Within 40m <b>the compliance distance</b> of an operational railway line (<b>see the table below</b>);</p> <p>(ii) Within 80m of a state highway where the site’s frontage has a posted speed limit of 70km/h or above; or</p> <p>(iii) On a front site or a corner site that directly adjoins a state highway where the posted speed limit is less than 70km/h and that has a complying building platform that is within 40m of the state highway;</p> <p>Shall be designed, insulated, constructed, or screened by suitable barriers <b>and maintained</b> to ensure that <del>noise received within any new bedroom, habitable space, or other space containing a noise sensitive activity, will not exceed the limits below</del> <b>the following design noise limits shall not be exceeded, and shall take into account the future use of any rail corridor (should the activity be within the compliance distance), by the addition of 3-5dB to existing measured or calculated sound levels:</b></p> <table><tr><th rowspan="3">Space Receiving Environments</th><th colspan="3">Internal noise limit</th></tr><tr><th rowspan="2">Road traffic noise</th><th colspan="2">Railway noise</th></tr><tr><th>LAeq(1 hour) at all times</th><th>Compliance Distance (no less than)</th></tr><tr><td>Inside Residential bedrooms</td><td></td><td>35 dBA LAeq(1 hour) at all times</td><td>100m</td></tr><tr><td>Inside other Residential habitable rooms spaces</td><td></td><td>40 dBA LAeq(1 hour) at all times</td><td>100m</td></tr><tr><td>Primary Outdoor Amenity Areas</td><td></td><td>60 dBA</td><td>60m</td></tr><tr><td>Teaching spaces</td><td></td><td>40 dBA</td><td>100m</td></tr><tr><td>Inside other spaces containing a <b>All other</b> noise sensitive activity <b>building spaces e.g.:</b><ul style="list-style-type: none"><li>• <b>Hospital and Dementia Cares Spaces</b></li><li>• <b>Commercial Spaces</b></li></ul></td><td colspan="3">No greater than the recommended maximum design guidelines in AS/NZS 2107-2000: Acoustics – recommended design sound level and reverberation times for building interiors</td></tr></table> <p>(b) The distances referred to above are measured from the:</p> <ul style="list-style-type: none"><li>• Edge of a railway track;</li><li>• Edge of seal of the state highway;</li><li>• Face of the closest external wall of a new building or addition to an existing building.</li></ul> <p><b><u>Where part of a habitable space straddles the compliance distance it shall meet the relevant criterion.</u></b></p> <p>(c) If windows are required to be closed to achieve the noise limits above, <del>the</del></p>	Space Receiving Environments	Internal noise limit			Road traffic noise	Railway noise		LAeq(1 hour) at all times	Compliance Distance (no less than)	Inside Residential bedrooms		35 dBA LAeq(1 hour) at all times	100m	Inside other Residential habitable rooms spaces		40 dBA LAeq(1 hour) at all times	100m	Primary Outdoor Amenity Areas		60 dBA	60m	Teaching spaces		40 dBA	100m	Inside other spaces containing a <b>All other</b> noise sensitive activity <b>building spaces e.g.:</b> <ul style="list-style-type: none"><li>• <b>Hospital and Dementia Cares Spaces</b></li><li>• <b>Commercial Spaces</b></li></ul>	No greater than the recommended maximum design guidelines in AS/NZS 2107-2000: Acoustics – recommended design sound level and reverberation times for building interiors		
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Submission Number	Plan Section	Support/Oppose/ Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
	<p>confirming compliance with the limits above must be submitted to Council as part of any resource or building consent application.</p> <p>(ii) Permitted activities</p> <p>(a) A new building or addition to an existing building, to be used for a noise sensitive activity that has demonstrated compliance with the performance standards in 5.2.9(i) above is a permitted activity.</p> <p>(b) A new building or addition to an existing building, not to be used for a noise sensitive activity is a permitted activity and is not required to demonstrate compliance with the performance standards in 5.2.9(i) above.</p> <p>(iii) Restricted-discretionary activities</p> <p>A new building or addition to an existing building, to be used for a noise sensitive activity not meeting the performance standards in 5.2.9(i) above is a restricted discretionary activity</p> <p>(iv) Matters of discretion</p> <p>The Council has restricted its discretion to the following matters and may impose conditions relating to these matters if consent is granted:</p> <p>(a) The effects of noise from the state highway and/or railway network on the activity to be constructed;</p> <p>(b) The reverse-sensitivity effects of the activity to be constructed on the continued operation of the state highway and/or railway network;</p> <p>(c) The extent to which the adverse effects can be mitigated;</p> <p>(d) Any other matter identified by the railway operator and/or NZTA.</p> <p>(v) Non-notification</p> <p>Applications utilising Rule 5.2.9(iii) that do not simultaneously trigger other consent requirements, shall not be publicly notified and shall not be served on any party other than the railway operator and/or NZTA.</p>			<p><del>building shall be designed and constructed to provide an alternative means of ventilation shall be provided, which complies with the following: in accordance with the Clause G4 of the New Zealand Building Code</del></p> <p>i) <u>Consist of an air conditioning unit(s) provided that the noise level generated by the unit(s) must not exceed 40 dB LAeq(30s) in the largest habitable room (excluding bedrooms) and 35dB LAeq(30s) in all other habitable rooms, when measured 1 metre away from any grille or diffuser; or</u></p> <p>ii) <u>A system capable of providing at least 15 air changes per hour (ACH) in the largest habitable room (excluding bedrooms) and at least 5 air changes per hour (ACH) in all other habitable rooms; and</u></p> <p>iii) <u>The noise level generated by the system must not exceed 40 dB LAeq(30s) in the largest habitable room (excluding bedrooms) and 35dB LAeq(30s) in all other habitable rooms, when measured 1 metre away from any grille or diffuser; and</u></p> <p>iv) <u>The internal air pressure must be no more than 10 Pa above ambient air pressure due to the mechanical ventilation; and</u></p> <p>v) <u>Where a high air flow rate setting is provided, the system shall be controllable by the occupants to be able to alter the ventilation rate with at least three equal progressive stages up to the high setting.</u></p> <p>(d) <u>Compliance with the above provision shall be demonstrated by providing the Council and KiwiRail with aAn acoustic design report prepared by an appropriately qualified practitioner, and a ventilation report prepared by an appropriately qualified mechanical engineer with respect to the ventilation system (if required) confirming compliance with the limits above must be submitted to Council as part of any resource or building consent application.</u></p> <p>(ii) Permitted activities</p> <p>(a) A new building, <u>relocated building</u> or addition to an existing building to be used for a noise sensitive activity that has demonstrated compliance with the performance standards in 5.2.9(i) above is a permitted activity.</p> <p>(b) A new building, <u>relocated building</u> or addition to an existing building, not to be used for a noise sensitive activity is a permitted activity and is not required to demonstrate compliance with the performance standards in 5.2.9(i) above.</p> <p>(iii) Restricted-discretionary activities</p> <p>A new building, <u>relocated building</u> or addition to an existing building, to be used for a noise sensitive activity not meeting the performance standards in 5.2.9(i) above is a restricted discretionary activity</p> <p>(iv) Matters of discretion</p> <p>The Council has restricted its discretion to the following matters and may impose conditions relating to these matters if consent is granted:</p> <p>(a) The effects of noise from the state highway and/or railway network on the activity to be constructed;</p> <p>(b) The reverse-sensitivity effects of the activity to be constructed on the <u>operation of the state highway and/or rail network and the ability and suitability of mitigation measures to enable the continued and uninterrupted</u> operation of the state highway and/or railway network;</p> <p>(c) <u>The extent to which the adverse effects can be mitigated degree of noise attenuation achieved by the noise sensitive activity;</u></p> <p>(d) Any other matter identified by the railway operator <u>KiwiRail Holdings Limited</u> and/or NZTA.</p> <p><u>(e) A reverse sensitivity covenant provided by KiwiRail Holdings Limited for those activities that are within the Compliance Distances outline in the table above and cannot comply with the performance standard.</u></p> <p>(v) Non-notification</p> <p>Applications utilising Rule 5.2.9(iii) that do not simultaneously trigger other</p>

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				consent requirements, shall not be publicly notified and shall not be served on any party other than the railway operator <b>(KiwiRail)</b> and/or NZTA.				
16	<b>5.3 Vibration</b> <i>(i) Industrial and business activities</i> <i>Advice note: This Section does not include vibration created as a result of blasting. See Section 4.9.1 for rules related to blasting. Vibration from industrial and business...</i> <i>(ii) Buildings adjacent to railway lines and state highways</i> <i>Advice Note: Vibration from the operation of state highways and railway lines may cause adverse effects on adjacent buildings and occupants. Vibration is site specific and developers are advised to undertake a vibration assessment to determine whether it will be an issue for their particular development.</i> <i>Explanation</i> <i>Vibration that is generated by business and industrial activities can cause discomfort or annoyance when it is transmitted to adjacent sites. Vibration produces complex sensations the location and character of which vary according to the vibration frequency, direction of vibration and other factors.</i> <i>The vibration limits were chosen after consideration of the guidelines in the British Standard 6841:1987 and the Draft ISO Standard Dis 2634/2:(1987). The night time limit for residential areas and rural dwellings is set at just above the threshold of perception as it was considered necessary to provide a high degree of protection against sleep disturbances. During the day a limit of 3 times the threshold was chosen as a reasonable balance between residential amenity and the need for business activities to be able to generate a reasonable level of vibration.</i>	Seek Amendment	KiwiRail strongly supports Vibration controls within the District Plan. Along with advice received on noise limits near railway corridors, KiwiRail has also received advice on vibration standards near railway corridors. As such some amendments are sought to the provisions of 5.3 to reflect KiwiRails standards.	<b>Amend Rule 5.2.9 to read:</b> <b>5.3 Vibration</b> <i>(i) Industrial and business activities</i> <i>Advice note: This Section does not include vibration created as a result of blasting <u>or rail and state highway activities.</u></i> <i>(ii) Buildings adjacent to railway lines and state highways</i> <i>Advice Note: Vibration from the operation of state highways and railway lines may cause adverse effects on adjacent buildings and occupants...</i> <b><u>(iii) Buildings adjacent to the railway corridor</u></b> <b><u>(a)A new building, relocated building or addition to an existing building that is to be used for a noise sensitive activity and is within 60 metres of the rail corridor shall be considered a Permitted Activity it is designed and constructed to ensure the following levels of vibration from trains shall not be exceeded based on the procedures specified in the Norwegian Standard NS 8176E: 2nd edition September 2005 Vibration and Shock Measurement of Vibration in Buildings from Land Based Transport and Guidance to Evaluation of its Effects on Human Beings.</u></b> <table><tr><td><b><u>Receiving Environment</u></b></td><td><b><u>Class C criterion:</u></b> <b><u>Maximum Weighted Velocity, Vw,95</u></b></td></tr><tr><td><b><u>New, relocated or altered buildings used for noise sensitive activities</u></b></td><td><b><u>0.3 mm/s</u></b></td></tr></table> <b><u>(b)All buildings within 20 metres of the rail corridor shall be designed and constructed to ensure the level of vibration from trains shall not exceed the criteria set out in the British Standard BS 7385-2:</u></b> <b><u>Compliance for both vibration annoyance and building damage shall be demonstrated by providing the Council and the railway operator (KiwiRail) with a design report and a design certificate prepared by an experienced and qualified vibration specialist;</u></b>  <b><u>(iv) Restricted Discretionary Activity</u></b> <b><u>If a noise sensitive activity does not comply with the provisions of Rule 5.3(iii) it is considered to be a Restricted Discretionary Activity. Council’s discretion is restricted to the following matters:</u></b> <b><u>a) The size, nature and location of the building on the site</u></b> <b><u>b) Special topographical, building features or ground conditions which will mitigate vibration impacts</u></b> <b><u>c) Any characteristics of the proposed use which make compliance with the standard unnecessary</u></b> <b><u>d) The written approval of the railway operator (KiwiRail).</u></b> <b><u>e) A reverse sensitivity covenant provided by the railway operator (KiwiRail).</u></b>	<b><u>Receiving Environment</u></b>	<b><u>Class C criterion:</u></b> <b><u>Maximum Weighted Velocity, Vw,95</u></b>	<b><u>New, relocated or altered buildings used for noise sensitive activities</u></b>	<b><u>0.3 mm/s</u></b>
<b><u>Receiving Environment</u></b>	<b><u>Class C criterion:</u></b> <b><u>Maximum Weighted Velocity, Vw,95</u></b>							
<b><u>New, relocated or altered buildings used for noise sensitive activities</u></b>	<b><u>0.3 mm/s</u></b>							
17	<b>Insert new rule 5.X “Setbacks from a Rail Corridor”</b>	Seek Amendment	Setbacks and buffers are a further method to ensure amenity for sensitive activities and mitigate reverse sensitivity effects. New rules are sought for all zones which adjoin the railway corridor to establish appropriate setbacks and buffer controls.	<b>Add a new rule 5.X, or a location in the Plan which will have district-wide applicability:</b> <b><u>5.X Setbacks from a Rail Corridor</u></b> <ul style="list-style-type: none"><li><b><u>Buildings, balconies and decks shall be setback at least 10 metres from the rail corridor boundary and;</u></b></li><li><b><u>Trees and shrubs shall be setback at least 10 metres from the rail corridor</u></b></li></ul>				

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				<p><u>boundary and shall not comprise nuisance or weed species and;</u></p> <ul style="list-style-type: none"> <li>• <u>Trees and shrubs shall be maintained such that they do not encroach into the setback and</u></li> <li>• <u>Fences or walls adjoining the rail corridor boundary shall be</u> <ul style="list-style-type: none"> <li>- <u>setback or sited in a way that enables maintenance to be undertaken without requiring access to the rail corridor, and</u></li> <li>- <u>maintained in a good state of repair fit for purpose, and free of graffiti and</u></li> </ul> </li> <li>• <u>Storage and service areas and shall be screened so they are not visible from the rail corridor and</u></li> <li>• <u>Where buildings, other than residential, are developed introduce appropriate screening and other provisions for service areas and storage areas facing the rail corridor.</u></li> </ul>
	<b>8 Works and Network Utilities</b>			
18	<b>8.6 Transportation network</b> 8.6.1 Activity table 5. New railway network and ancillary equipment: Discretionary Activity (all zones)	Seek Amendment	KiwiRail generally supports Rule 8.6.1.5. KiwiRail's entire network is designated in the District Plan. Should KiwiRail wish to undertake a rail development outside of its designated area, KiwiRail will seek an Alteration to Designation or a new designation through the Notice of Requirement process, rather than go through the resource consent process under 8.6.1.5. However, the rule would apply to any party who wishes to construct a private siding to the railway corridor.	Amend Rule 8.6.1.5 to read: 8.6 Transportation network 8.6.1 Activity table 5. New railway network and ancillary equipment <b>outside of Designation 88t:</b> Discretionary Activity (all zones)
19	<b>8.7 Stock movements and stock crossings</b> 8.7.2 Performance Standards (iii) Crossing stock over a railway line or railway reserve Crossing stock over a railway line or railway reserve must have the written approval of the rail operator.	Support	KiwiRail supports Performance Standard 8.7.2(iii) requiring KiwiRail's written approval to cross stock over a railway line or railway reserve	Retain Performance Standard 8.7.2(iii) as notified
	<b>9 Transportation</b>			
20	<b>9.2 Railways</b> <b>9.2.1 Separation between site access and public railway level crossings</b> (i) Permitted activities The following shall be permitted activities: (a) An existing vehicle crossing that does not change in character, scale or intensity of use separated by less than 30m from a public railway level crossing; (b) A new vehicle crossing from a public road separated by 30m or more from a public railway level crossing. Advice Note: Vehicle crossings must also meet the access standards in Section 9.1.2, or a consent as set out in Section 9.1.2 will be required. (ii) Restricted-discretionary activities The following shall be restricted-discretionary activities: (a) Any new vehicle crossing with less than 30m separation to a public railway level crossing; (b) Any existing vehicle crossing that changes in character, scale, or intensity	Support and Seek Amendment	KiwiRail strongly supports the inclusion of controls surrounding site access separation from railway level crossings in the District Plan. Some minor amendments are sought to Rule 9.2.1. KiwiRail seek that the word 'public' is removed from the rule, so that the rule is applicable to all level crossings in the district (including private). The site access control is a safety measures and the same risk to safety exists whether the railway level crossing is a public or private crossing. Some minor amendments are sought to the wording. KiwiRail seek to change the word 'vehicle crossing' to 'site access' to ensure that it is clear the rule relates to accesses to sites from a road, rather than a vehicle crossing of the railway network. In terms of the matters of discretion and matters in respect of which conditions can be imposed, KiwiRail wish to have input into any conditions so that the safety and efficiency of the railway network is not compromised by any resource consent granted for a site access within 30m of a railway level crossing. KiwiRail are the most appropriate organisation to judge what the effects on the railway are likely to be, and as such should inform the Council of the conditions required for any resource consent. KiwiRail also seek to amend the advice note which states that the separation distance must be measured from the	Amend Rule 9.2.1 to read: <b>9.2.1 Separation between site access and public railway level crossings</b> (i) Permitted activities The following shall be permitted activities: (a) An existing <del>vehicle crossing</del> <b>site access which is separated by less than 30m from a railway level crossing that and retains its existing</b> <del>does not change in character, scale or intensity of use separated by less than 30m from a public railway level crossing;</del> (b) A new <del>vehicle crossing</del> <b>site access</b> from a public road separated by 30m or more from a <del>public</del> railway level crossing. Advice Note: <b>Site accesses</b> (Vehicle crossings) must also meet the access standards in Section 9.1.2, or a consent as set out in Section 9.1.2 will be required. (ii) Restricted-discretionary activities The following shall be restricted-discretionary activities: (a) Any new <del>vehicle crossing</del> <b>site access</b> with less than 30m separation to a <del>public</del> railway level crossing; (b) Any existing <del>vehicle crossing</del> <b>site access with less than 30m separation from a railway level crossing</b> that changes in character, scale, or intensity of use <del>with less than 30m separation from a public railway level crossing.</del> Advice Note: <b>Site accesses</b> (Vehicle crossings) must also meet the access standards in Section 9.1.2, or an additional consent as set out in Section 9.1.2 will be required. (iii) Matters to which discretion is restricted The Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>• Whether vehicles can safely and efficiently enter and exit a site without</li> </ul>

Submission Number	Plan Section	Support/Oppose/ Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
	<p>of use with less than 30m separation from a public railway level crossing.  <i>Advice Note: Vehicle crossings must also meet the access standards in Section 9.1.2, or an additional consent as set out in Section 9.1.2 will be required.</i></p> <p>(iii) <i>Matters to which discretion is restricted</i>  The Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>Whether vehicles can safely and efficiently enter and exit a site without resulting in the queuing of vehicles blocking the railway corridor.</li> </ul> <p>(iv) <i>Matters in respect of which conditions can be imposed</i>  Where consent is granted, the Council may impose conditions to avoid, remedy, or mitigate adverse effects on the rail network, and on the safety of vehicles using the vehicle crossing.</p> <p>(v) <i>Notification</i>  Unless other consent requirements are triggered simultaneously, applications for resource consent under this Rule shall not be subject to public notification. The only affected parties shall be:</p> <ul style="list-style-type: none"> <li>The rail operator; and</li> <li>The New Zealand Transport Agency and/or the Council as road controlling authority.</li> </ul> <p><i>Advice Note: The separation distance between a vehicle crossing and public railway level crossing shall be measured from the closest rail track, to the edge of the formation of the vehicle crossing.</i></p>		<p><i>closest rail track.</i> The measurement should be taken from the closest rail corridor boundary. This amendment will stop people entering the rail corridor to measure the separation distance. For safety purposes, KiwiRail seeks to restrict public access to the railway corridor, hence the measurement should be taken from the boundary of the railway corridor rather than from any area within the corridor.</p>	<p><i>resulting in the queuing of vehicles blocking the railway corridor.</i></p> <p>(iv) <i>Matters in respect of which conditions can be imposed</i>  Where consent is granted, the Council may impose conditions, <b><u>drafted in consultation with KiwiRail</u></b>, to avoid, remedy, or mitigate adverse effects on the rail network, and on the safety of vehicles using the <del>vehicle crossing</del> <b><u>site access</u></b>.</p> <p>(v) <i>Notification</i>  Unless other consent requirements are triggered simultaneously, applications for resource consent under this Rule shall not be subject to public notification. The only affected parties shall be:</p> <ul style="list-style-type: none"> <li>The rail operator (<b><u>KiwiRail</u></b>); and</li> <li>The New Zealand Transport Agency and/or the Council as road controlling authority.</li> </ul> <p><i>Advice Note: The separation distance between a <del>vehicle crossing</del> <b><u>site access</u></b> and public railway level crossing shall be measured from the closest rail <b><u>corridor boundary</u></b> track, to the edge of the formation of the vehicle crossing.</i></p>
21	<p><b>9.2.2 Private railway crossings</b></p> <p>(i) <i>Permitted activities</i>  An existing private railway crossing authorised by the rail operator that does not change in character, intensity or scale of use is a permitted activity.</p> <p>(ii) <i>Restricted-discretionary activities</i>  The following shall be restricted-discretionary activities:</p> <p>(a) Any new private railway crossing;</p> <p>(b) Any existing private railway crossing that changes in character, intensity, or scale of use.</p> <p>(iii) <i>Matters to which discretion is restricted</i>  The Council's discretion is restricted to the following matters:</p> <p>(a) The ability to obtain alternative access to the site;</p> <p>(b) Adverse effects on the safety of vehicles using the crossing and the safety and efficiency of the railway</p>	Oppose	<p>KiwiRail want Rule 9.2.2 deleted in its entirety from the plan. As the owner of the railway corridor, KiwiRail has to be approached to provide permission for any private railway crossings. A private crossing of the railway corridor is not a legal access to a parcel of land. KiwiRail assess each private railway crossing on a case by case basis to determine if a "deed of grant". The deed of grant allows private access across the corridor, however deed of grants can be revoked with three months notice.</p> <p>As such, there is a rigorous process currently established for the assessment of private railway crossings. KiwiRail consider it unnecessary to have a resource consent process as well as the deed of grant process. The resource consent process may confuse a landowner and if resource consent was granted under 9.2.2 but KiwiRail revoked the deed of grant. The holder of the resource consent may still consider they had a legal right to cross the railway corridor. KiwiRail want to avoid these types of situations.</p> <p>It should be noted that rules concerning private railway crossings are generally not included in other District Plan's around New Zealand.</p>	<p><b>Delete Rule 9.2.2 in its entirety:</b></p> <p><del>9.2.1 Separation between site access and public railway level crossings</del></p> <p><del>(i) Permitted activities</del>  <del>An existing private railway crossing authorised by the rail operator that does not change in character, intensity or scale of use is a permitted activity.</del></p> <p><del>(ii) Restricted-discretionary activities</del>  <del>The following shall be restricted-discretionary activities:</del></p> <p><del>(a) Any new private railway crossing;</del></p> <p><del>(b) Any existing private railway crossing that changes in character, intensity, or scale of use.</del></p> <p><del>(iii) Matters to which discretion is restricted</del>  <del>The Council's discretion is restricted to the following matters:</del></p> <p><del>(a) The ability to obtain alternative access to the site;</del></p> <p><del>(b) Adverse effects on the safety of vehicles using the crossing and the safety and efficiency of the railway network resulting from the nature, use, location, and design of the crossing;</del></p> <p><del>(c) Methods to avoid, remedy, or mitigate adverse effects on the rail network;</del></p> <p><del>(d) Methods to avoid, remedy, or mitigate adverse effects on the safety of vehicles using the crossing;</del></p> <p><del>(e) Cumulative effects on the rail network;</del></p> <p><del>(f) Any matters identified by the rail operator and the road controlling authority.</del></p>



Submission Number	Plan Section	Support/Oppose/Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
	<p>network resulting from the nature, use, location, and design of the crossing;</p> <p>(c) Methods to avoid, remedy, or mitigate adverse effects on the rail network;</p> <p>(d) Methods to avoid, remedy, or mitigate adverse effects on the safety of vehicles using the crossing;</p> <p>(e) Cumulative effects on the rail network;</p> <p>(f) Any matters identified by the rail operator and the road controlling authority.</p> <p>(iv) Matters in respect of which conditions can be imposed Where consent is granted, the Council may impose conditions to avoid, remedy, or mitigate adverse effects on the rail network, and on the safety of vehicles using the crossing.</p> <p>(v) Notification ... The only affected parties shall be the rail operator and the road controlling authority.</p>			<p><del>(iv) Matters in respect of which conditions can be imposed Where consent is granted, the Council may impose conditions to avoid, remedy, or mitigate adverse effects on the rail network, and on the safety of vehicles using the crossing.</del></p> <p><del>(v) Notification Unless other consent requirements are triggered simultaneously, applications for resource consent under this Rule shall not be subject to public notification. The only affected parties shall be the rail operator and the road controlling authority.</del></p>
	<b>15 Definitions</b>			
22	<p><b>Buffer Corridor</b> means a corridor comprising the “red zone” and the “green zone” as follows:</p> <p>(i) A 16m wide corridor measured from the centreline of the HIN-KPO A transmission line as identified on the planning maps.</p> <p>(ii) A 32m wide corridor measured from the centreline of the HAM-WHU A and WHUWKO A transmission lines as identified on the planning maps.</p>	Seek Amendment	Given that KiwiRail are seeking the rules relating to buffer control under proposed new rule 5.X “Setbacks from a Rail Corridor” (submission X), an amendment is sought to add a cross reference to the buffer controls sought under Rule 5.X.	<p><b>Amend the definition of “Buffer Corridor” to read:</b> means a corridor comprising the “red zone” and the “green zone” as follows:</p> <p>(i) A 16m wide corridor measured from the centreline of the HIN-KPO A transmission line as identified on the planning maps.</p> <p>(ii) A 32m wide corridor measured from the centreline of the HAM-WHU A and WHUWKO A transmission lines as identified on the planning maps.</p> <p><b><u>Or an area adjacent to a railway corridor as described in Rule 5.X.</u></b></p>
23	<p><b>Private railway crossing</b> means a level crossing of a private vehicular driveway over a railway line.</p>	Oppose	As stated under Submission 21, KiwiRail seeks that Rule 9.2.2 relating to private railway crossings be removed and as such the subsequent definition of private railway crossing can be deleted.	<p><b>Delete the definition of “Private railway crossing” in its entirety:</b> <del>“Private railway crossing” means a level crossing of a private vehicular driveway over a railway line.</del></p>
24	<p><b>Public railway level crossing</b> means a level crossing of a public road over a railway line.</p>	Seek Amendment	As stated under Submission 20, KiwiRail seeks that Rule 9.2.1 relates to all level crossings, not just public level crossings. As such the subsequent definition of public railway level crossing should be amended to reflect the changes to the rule.	<p><b>Amend the definition of “Public railway level crossing” to read:</b> <del>“Public railway level crossing” means a level crossing of a public</del> <b><u>or private</u></b> <del>road,</del> <b><u>access or footpath</u></b> <del>over a railway line.</del></p>
25	<p><b>Rail Operator</b> means the entity responsible for operating the national rail network (currently KiwiRail).</p>	Support	KiwiRail supports including a definition of rail operator in the District Plan.	Retain the definition of “Rail Operator” as notified
26	<p><b>Regionally significant infrastructure</b> means:</p> <p>(i) Pipelines for the distribution or transmission of natural or manufactured gas or petroleum;</p> <p>(ii) Infrastructure required to permit telecommunication as defined in the Telecommunications Act 2001;</p> <p>(iii) Radio apparatus as defined in section 2(1) of the Radio Communications Act 1989;</p> <p>(iv) The national electricity grid, as defined by the Electricity Industry Act 2010;</p>	Seek Amendment	KiwiRail seeks to be explicitly defined as regionally significant infrastructure in the District Plan. This will align the definition with the explanation provided to Section 3.8.1 of the District Plan as amended in Submission 8.	<p><b>Amend the definition of “Regionally significant infrastructure” to read:</b> <b><u>“Regionally significant infrastructure” means:</u></b></p> <p>(i) Pipelines for the distribution or transmission of natural or manufactured gas or petroleum;</p> <p>(ii) Infrastructure required to permit telecommunication as defined in the Telecommunications Act 2001;</p> <p>(iii) Radio apparatus as defined in section 2(1) of the Radio Communications Act 1989;</p> <p>(iv) The national electricity grid, as defined by the Electricity Industry Act 2010;</p> <p>(v) Facilities for the generation of electricity that is fed into the national grid or a network (as defined in the Electricity Industry Act 2010);</p> <p>(vi) Significant transport corridors as defined in Map 6.1 of the Waikato Regional</p>



Submission Number	Plan Section	Support/Oppose/ Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)														
	(v) <i>Facilities for the generation of electricity that is fed into the national grid or a network (as defined in the Electricity Industry Act 2010);</i> (vi) <i>Significant transport corridors as defined in Map 6.1 of the Waikato Regional Policy Statement, Decisions Version, November 2012;</i> (vii) <i>Lifeline utilities, as defined in the Civil Defence and Emergency Management Act 2002, and their associated essential infrastructure and services;</i> (viii) <i>Flood and drainage infrastructure managed by Waikato Regional Council.</i>			<i>Policy Statement, Decisions Version, November 2012;</i> (vii) <i>Lifeline utilities, as defined in the Civil Defence and Emergency Management Act 2002, and their associated essential infrastructure and services;</i> (viii) <i>Flood and drainage infrastructure managed by Waikato Regional Council.</i> <b><u>(ix) The East Coast Main Trunk Line, Kinleith Branch Line and Waitoa Branch Line railway corridors.</u></b>														
27	<b>Sensitive activity</b> <i>means a more recently established activity which is sensitive to the adverse environmental effects being generated by a pre-existing lawfully established activity, and in the context of state highways and railway lines includes any dwelling, papakainga, visitor accommodation, boarding house, retirement village, supported residential care, educational facilities, hospitals and healthcare services, and care centres.</i>	Support and Seek Amendment	KiwiRail supports the definition of Sensitive Activity. However as stated under Submissions 15 and 16, KiwiRail have received advice on the noise and vibration effects of rail. Part of this advice included the identification of sensitive receivers. KiwiRail seeks an amendment to the sensitive activities listed under the definition to ensure that all potentially sensitive receivers near a railway line are captured by the District Plan rules.	<b>Amend the definition of “Sensitive activity” to read:</b> <b><i>“Sensitive activity” means a more recently established activity which is sensitive to the adverse environmental effects being generated by a pre-existing lawfully established activity.</i></b> <b><u>any use of land and/or buildings which is likely to be susceptible to the effects of noise emitted from nearby pre-existing lawfully established land use in the course of their legitimate operation and functioning; and for the purposes of this plan,</u></b> and in the context of state highways and railway lines includes any dwelling <b><u>(including Primary Outdoor Amenity Areas),</u></b> papakainga, visitor accommodation, boarding house, retirement village, supported residential care, educational facilities, hospitals and healthcare services, and care centres, <b><u>Places of Assembly, including churches, community facilities, restaurants and recreational facilities.</u></b>														
28	<b>Significant transport infrastructure</b> <i>means the portions of the significant road and rail corridors located within the District as shown on Map 6.1 (6B) of the RPS.</i>	Support and Seek Amendment	KiwiRail supports having rail recognised as “significant transport infrastructure but seeks greater clarity within the definition to ensure that the definition applies to the entire rail network through the Matamata-Piako District.	<b>Amend the definition of “Significant transport infrastructure” to read:</b> <b><i>“Significant transport infrastructure” means the portions of the significant road and rail corridors located within the District as shown on Map 6.1 (6B) of the RPS</i></b> <b><u>and the entire East Coast Main Trunk Line, Kinleith Branch Line and Waitoa Branch Line railway corridors.</u></b>														
	<b>Schedule 4: Designations</b>																	
29	<b>Designation 88</b>	Seek Amendment	KiwiRail seeks an amendment to Designation 88 of Schedule 4 to the District Plan. The current designation states that Toll Consolidated Ltd is the requiring authority for rail in the Matamata-Piako District. Toll Rail no longer exists as an entity and KiwiRail Holdings Limited are the State Owned Enterprise with requiring authority status throughout New Zealand for designations for ‘railway purposes’. As such some minor wording changes are sought to Designation 88 of Schedule 4.	<b>Amend the Designation 88 of Schedule 4 to read:</b> <table><tr><th>Desig. No.</th><th>Underlying zone</th><th>Authority</th><th>Location</th><th>Purpose</th><th>Map No</th><th>Legal description</th></tr><tr><td>88</td><td>Business if adjoining a Business zone, otherwise Rural</td><td><del>Toll-NZ-Consolidated Ltd (Toll-Rail)</del> <b><u>KiwiRail Holdings Limited (KiwiRail)</u></b></td><td>East Coast main trunk railway line, Kinleith Branch line, <b><u>Waitoa Branch Line</u></b> <del>Thames Branch railway line, Hamilton-Tauranga and south</del></td><td>Railway <b><u>Purposes</u></b> <del>—Also see Designation n-167</del></td><td>Various</td><td>Various</td></tr></table>	Desig. No.	Underlying zone	Authority	Location	Purpose	Map No	Legal description	88	Business if adjoining a Business zone, otherwise Rural	<del>Toll-NZ-Consolidated Ltd (Toll-Rail)</del> <b><u>KiwiRail Holdings Limited (KiwiRail)</u></b>	East Coast main trunk railway line, Kinleith Branch line, <b><u>Waitoa Branch Line</u></b> <del>Thames Branch railway line, Hamilton-Tauranga and south</del>	Railway <b><u>Purposes</u></b> <del>—Also see Designation n-167</del>	Various	Various
Desig. No.	Underlying zone	Authority	Location	Purpose	Map No	Legal description												
88	Business if adjoining a Business zone, otherwise Rural	<del>Toll-NZ-Consolidated Ltd (Toll-Rail)</del> <b><u>KiwiRail Holdings Limited (KiwiRail)</u></b>	East Coast main trunk railway line, Kinleith Branch line, <b><u>Waitoa Branch Line</u></b> <del>Thames Branch railway line, Hamilton-Tauranga and south</del>	Railway <b><u>Purposes</u></b> <del>—Also see Designation n-167</del>	Various	Various												

## Appendix A:

Insert the following into Proposed Plan Change 43 and 44 as stated under Submission 10:

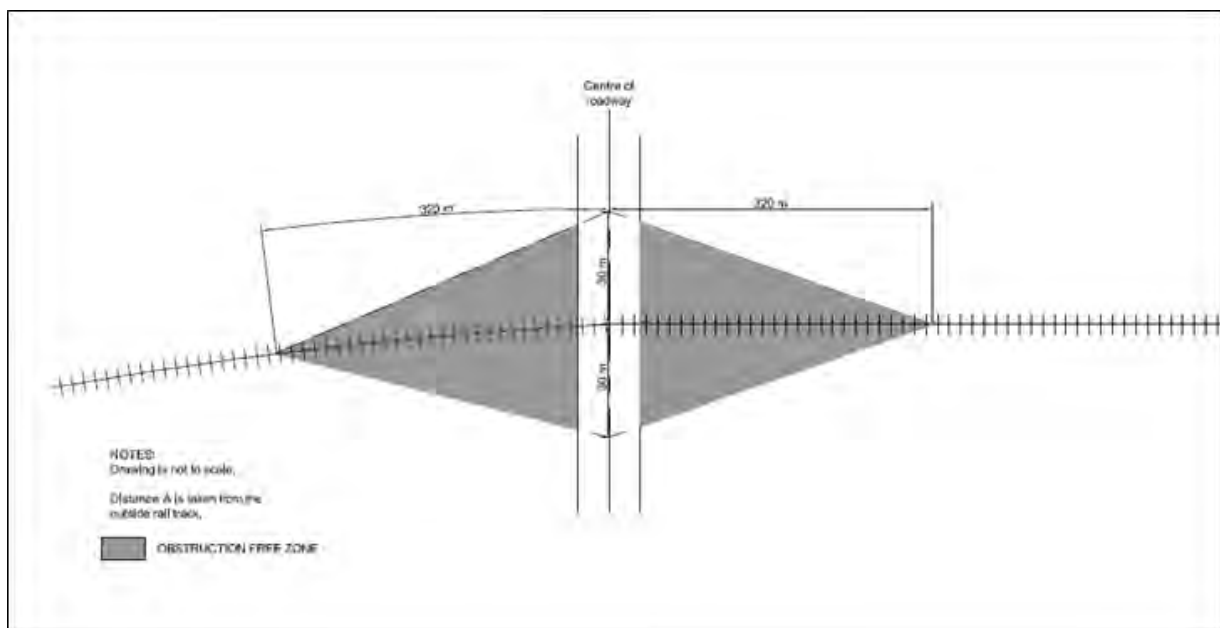
### 3.7.1 Level Crossing Sight Triangles and Explanations

#### **Developments near Existing Level Crossings**

It is important to maintain clear visibility around level crossings to reduce the risk of collisions. All the conditions set out in this standard apply during both the construction and operation stages of any development.

#### **Approach sight triangles at level crossings with Stop or Give Way signs**

On sites adjacent to rail level crossings controlled by Stop or Give Way Signs, no building, structure or planting shall be located within the shaded areas shown in Figure 1. These are defined by a sight triangle taken 30 metres from the outside rail and 320 metres along the railway track.



**Figure 1: Approach Sight Triangles for Level Crossings with “Stop” or “Give Way” Signs**

#### **Advice Note:**

The approach sight triangles ensure that clear visibility is achieved around rail level crossings with Stop or Give Way signs so that a driver approaching a rail level can either:

- See a train and stop before the crossing; or
- Continue at the approach speed and cross the level crossing safely.

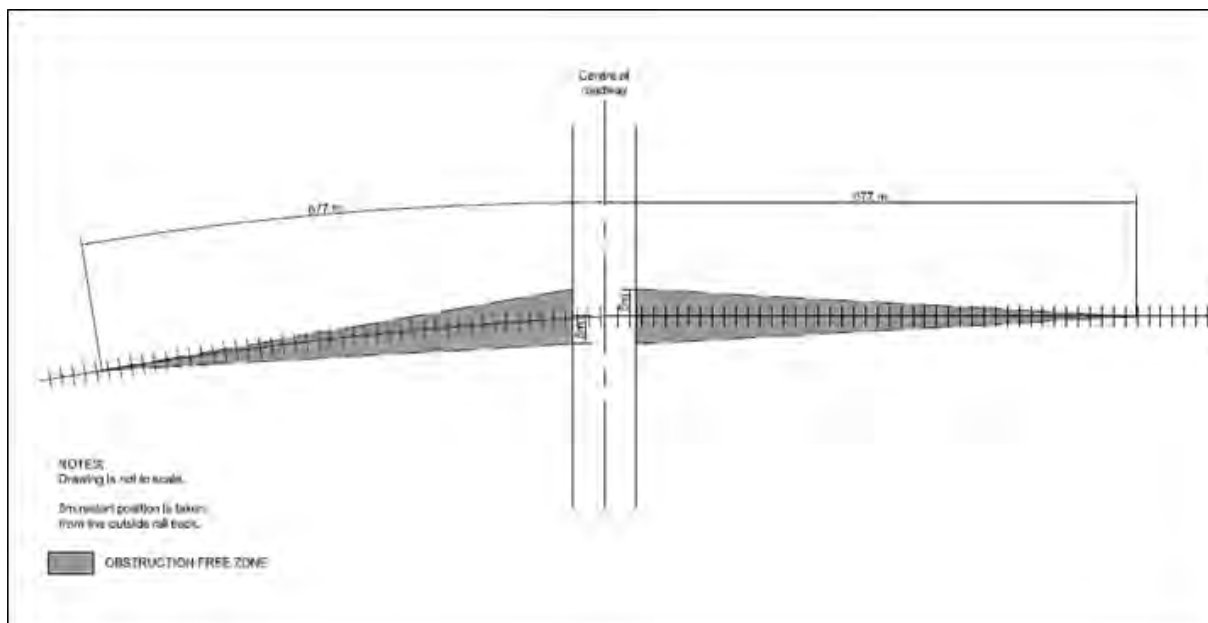
Of particular concern are developments that include shelter belts, tree planting, or a series of building extensions. These conditions apply irrespective of whether any visual obstructions already exist.

No approach sight triangles apply for level crossings fitted with alarms and/or barrier arms. However, care should be taken to avoid developments that have the potential to obscure visibility of these alarm masts. This is particularly important where there is a curve in the road on the approach to the level crossing, or where the property boundary is close to the edge of the road surface and there is the potential for vegetation growth.

#### **Restart sight triangles at level crossings**

On sites adjacent to all rail level crossings, no building, structure or planting shall be located within the shaded areas shown in Figure 2. These are defined by a sight triangle taken 5 metres from the

outside rail and distance A along the railway track. Distance A depends on the type of control (Table 1).



**Figure 2: Restart Sight Triangles for all Level Crossings**

**Table 1: Required Restart Sight Distances For Figure 2**

Required approach visibility along tracks A (m)		
Signs only	Alarms only	Alarms and barriers
677 m	677 m	60 m

**Advice Note:**

*The restart sight line triangles ensure that a road vehicle driver stopped at a level crossing can see far enough along the railway to be able to start off, cross and clear the level crossing safely before the arrival of any previously unseen train.*

*Of particular concern are developments that include shelter belts, tree planting, or a series of building extensions. These conditions apply irrespective of whether any visual obstructions already exist.*

**Notes:**

- Figures 1 and 2 show a single set of rail tracks only. For each additional set of tracks add 25 m to the along-track distance in Figure 1, and 50 m to the along-track distance in Figure 2.
- All figures are based on the sighting distance formula used in NZTA Traffic Control Devices Manual 2008, Part 9 Level Crossings. The formulae in this document are performance based; however the rule contains fixed parameters to enable easy application of the standard. Approach and restart distances are derived from a:
  - train speed of 110 km/h
  - vehicle approach speed of 20 km/h
  - fall of 8 % on the approach to the level crossing and a rise of 8 % at the level crossing
  - 25 m design truck length
  - 90° angle between road and rail