

BEFORE THE MANAWATU DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Plan Change 51 to the Manawatu District Plan

Statement by Pam Butler, Senior RMA Adviser

Submitter 27: KiwiRail Holdings Ltd.

Introduction

1. My name is Pam Butler and I am a Senior Resource Management Act ("RMA") Advisor for KiwiRail Holdings Limited ("KiwiRail"). I have over 30 years RMA experience.
2. This statement has been prepared on behalf of KiwiRail in connection with its function as a land transport and network utility operator in the Manawatu District and relates to matters in Plan Change 51.

KiwiRail in the district

3. KiwiRail is the State-Owned Enterprise responsible for the management and operation of the national railway network. KiwiRail's activities include managing railway infrastructure and land, as well as rail freight and passenger services within New Zealand. KiwiRail is also the Requiring Authority for land designated "Railway Purposes" (or similar) in District Plans throughout New Zealand. The North Island Main Trunk Line is located within the district and is of national importance, supporting the movement of people and goods through the country and transporting a significant portion of the national rail freight task. KiwiRail is concerned to ensure that the development envisaged by various zone chapters in the Plan does not adversely affect the operation of its rail corridor, as an important physical resource and strategic transport infrastructure, or the activities undertaken within that corridor.

Submission points

5. KiwiRail's submissions were made to highlight issues about the reverse sensitivity effects of new development on land transport and network utilities. The reporting planner, Andrea Harris, notes in her evidence that a prehearing meeting was held with KiwiRail. The parties agreed that KiwiRail's 100 metre noise and



vibration effects area did not directly affect Growth Precinct 4 and the inclusion of specific rules on this issue were not required. KiwiRail appreciates that the Council has confirmed its intention to engage with it about the development of future district plan provisions to address the effects of development near railway lines; specifically, the Rural, Residential and Village Zone reviews.

6. KiwiRail has conferred with the agencies who made further submissions and notes that most are tabling statements.
7. In view of the discussions with Council staff and further submitters, KiwiRail accepts the recommendations on its following submissions as recommended in Appendix 1: *Officer Recommendation on all Submissions – Growth Precinct 4 and New District Plan Structure: SO27/001, SO27/002, SO27/003, SO27/004, SO27/005, SO27/007, SO27/008.*

Points of disagreement

8. Submission point SO27/006 seeks an alteration to the Subdivision section at 8.1 Introduction. This submission is considered to be 'on' the Plan Change and seeks to amend the clause to reflect the fact that traffic effects are not solely restricted to roads, but also include the railway network. This submission was supported by FS03/03 by Horizons Regional Council.
9. It is fully understood that PC51 changes are intended to apply to only Precinct 4 however, the drafting of the introductory sections and related objectives and policies appear ambiguous. Some objectives/policies are clearly particular to Precinct 4, yet some appear to be written with a plan-wide lens and could be interpreted as unrestricted in application. KiwiRail's concern is that the lack of clarity confuses the efficient implementation of the plan. For example, the statement at Subdivision section 8.0 and Residential section 15.1 notes;

'The focus of this chapter is the rezoning of the new Growth Precinct 4 area;

- *As the Sectional District Plan Review progresses, provisions for other zones, including the remaining Residential Zone provisions will be inserted into the Chapter through other Plan Changes; and*
- *It is expected that future plan changes will expand this section with provisions for the entire Residential Zone in the District Plan'.*

These sections should either be noted to apply only to Precinct 4, or the plan text altered to state more clearly that they don't. While KiwiRail's infrastructure is not directly within the PC 51 Precinct 4 area, this should not prohibit our ability to seek changes to the notified text to the extent that there may be future effects on our activities.

10. The rail network is a physical resource which needs to be able to be sustainably managed and protected through District Plan provisions, to ensure its continued safe and efficient operation. This requirement exists irrespective of whether the railway is located within Precinct 4. The rail network moves people and freight around the country consistent with the function that roads provide, and rail should have equal treatment in the plan. KiwiRail's view is that where an opportunity



can be taken to update plan provisions which improve the Plan's currency, that this should be supported. KiwiRail therefore requests that its submission SO27/006 be accepted by the Panel.

Summary

11. I support the S42A Report recommendations in relation to each of the KiwiRail submission points listed at paragraph 6 above.
12. In relation to the submission point SO27/006 the S42A report recommendation is not accepted. I therefore request that the Plan be amended as set out in submission SO27/006 supported by FS 03/03:

Alter 8th bullet point in 8.1 Introduction 'The effects of subdivision include': to read:

*Effects on the safe and efficient functioning of ~~the road~~ **the land transport network** including, **network operations**, additional vehicle accesses, traffic flows and patterns, road safety and the efficient movement of traffic*

A handwritten signature in black ink, appearing to be "Pam Butler".

Pam Butler

Senior RMA Advisor

16 August 2019

