

Submitter Name	Section / Sub-section / Provision	Submission number / Point Number	Position	Summary of Submission	Relief Summary
KiwiRail Holdings Limited	General //	168.1	Amend	<p>Submitter provides background and summary of its organisational responsibilities including the construction, maintenance, 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. The submitter is also the Requiring Authority for land designated for 'Railway Purposes' (or similar) in District Plans throughout New Zealand. Notes that the national railway network comprises 3,700km of track, over 200 locomotives, 18,100 hectares of land, and 1,350 buildings. The rail network is critical for safe and efficient freight and passenger movement in New Zealand. Rail contributes \$1.7 - 2.1 billion to the economy and helps reduce carbon emissions. As a result, rail is experiencing a renaissance as evidenced by the significant investment being made by the Government to reinvigorate the railway network, demonstrating a strong and continued confidence in rail's current and future potential. The government has allocated \$369.2 million in the recent budget to restore and enhance the national rail service. Key rail assets in Napier City include the Palmerston North to Gisborne Line, Napier Port Branch, and Pandora North Connection. The submitter aims to protect its ability to operate, maintain, and upgrade these assets. Notes that land uses near railway corridors should not</p> <p>compromise rail operations, and appropriate controls should be imposed for sensitive activities. Considers that safety, including sightlines and level crossings is a key concern. Notes that the submission to the Proposed Napier City District Plan is structured according to the plan's layout. Changes requested by the submitter are marked for insertion, deletion, or modification, with consequential changes noted for clarity. Refer to original submission for full details</p>	No specific relief sought. Refer to original submission for all submission points.
KiwiRail Holdings Limited	Definitions /Definitions / ACTIVITIES SENSITIVE TO NOISE	168.2	Oppose	Considers that this definition is duplication of 'Noise Sensitive Activity'. Seeks deletion of this definition and reliance on one definition for clear and consistent interpretation and application of the plan.	Delete definition
KiwiRail Holdings Limited	Definitions /Definitions /FUNCTIONAL NEED	168.3	Support	Supports definition as proposed.	Retain as proposed
KiwiRail Holdings Limited	Definitions /Definitions /General	168.4	Amend	Seeks the inclusion of a definition of High Land Transport Noise Control Overlay for clarity. This submission point aligns with other submitters other submission points on the Noise Chapter and Planning Maps seeking the inclusion of provisions and amendment to the High Land Transport Noise mapped overlay extent.	<p>Add new definition as follows:</p> <p><b>High Land Transport Noise Control Overlay</b>  means the area potentially affected by noise between a railway corridor boundary or State Highway boundary and a distance of 100m. High Land Transport Noise Control Overlay shown on the planning maps identifies areas that have the potential to experience high noise levels from rail and road traffic. New buildings and alterations to habitable rooms in buildings used for sensitive land uses are required to demonstrate that adverse noise effects have been appropriately managed by demonstrating compliance with the standards specified in the Noise Chapter.</p>
KiwiRail Holdings Limited	Definitions /Definitions / INFRASTRUCTURE	168.5	Support	Supports as the definition as proposed which as the same meaning as the RMA definition, is supported by KiwiRail, noting clause (g) includes rail.	Retain as proposed
KiwiRail Holdings Limited	Definitions /Definitions /MAINTENANCE (NETWORK UTILITIES)	168.6	Support	Supports maintenance definition that includes replacement, repair or renewal works necessary to continue the operation and/or functioning of an existing network utility.	Retain as proposed

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KiwiRail Holdings Limited	Definitions /Definitions /MINOR UPGRADING OF NETWORK UTILITIES	168.7	Support	Supports minor upgrading of network utilities including increasing efficiency and capacity of network utilities if similar in scale and character.	Retain as proposed
KiwiRail Holdings Limited	Definitions /Definitions /NETWORK UTILITY	168.8	Support	Supports reference to Network Utility Operator which includes KiwiRail.	Retain as proposed
KiwiRail Holdings Limited	Definitions /Definitions / NETWORK UTILITY OPERATOR	168.9	Support	Supports the use of the RMA meaning of Network Utility Operator, which includes a person who constructs and operates a railway line. This approach supports the integrated management and provision of key infrastructure.	Retain as proposed
KiwiRail Holdings Limited	Definitions /Definitions /NOISE SENSITIVE ACTIVITY	168.10	Amend	Seeks amendment to the definition of Noise Sensitive Activity to specify a consistent list of noise sensitive activities to assist with the clear interpretation of the proposed plan. The recommended relief considers the proposed definitions for 'Activities Sensitive to Noise' and 'Noise Sensitive Activity' and seeks to provide a clear definition that captures activities as intended.	Amend as follows: <del>Any use of land and/or buildings which is likely to be susceptible to the effects of noise emitted from nearby land uses in the course of their legitimate operation and functioning; and for the purposes of this plan</del>  means any lawfully established: <u>(a) Residential activity including activity in visitor accommodation, retirement accommodation, boarding houses, office accommodation and papakainga;</u> <u>(b) Educational activity;</u> <u>(c) Health care activity, including hospitals;</u> <u>(d) Congregation within any place of worship; and</u> <u>(e) Activity at a marae.</u>  <del>includes day care centres, education facilities (but not any trade training or other industry related educational facility), health care centres, hospitality activities, office accommodation, places of assembly, residential activities, retirement complexes, travellers' accommodation, and camping grounds.</del>
KiwiRail Holdings Limited	Definitions /Definitions /NOISE SENSITIVE SPACE	168.11	Support	Supports definition as proposed, subject to 'Noise Sensitive Activity' definition amendments.	Retain as proposed
KiwiRail Holdings Limited	Definitions /Definitions /OPERATIONAL NEED	168.12	Support	Supports definition as proposed.	Retain as proposed
KiwiRail Holdings Limited	Definitions /Definitions / PORT NOISE	168.13	Support	Notes that Napier Port Branch is used to transport freight to and from Napier Port. Supports inclusion of rail activities related to port activities within this definition.	Retain as proposed
KiwiRail Holdings Limited	Definitions /Definitions / PORT RELATED ACTIVITIES	168.14	Support	Supports the inclusion of rail activities within this definition. Submitter operates the Napier Port Branch and it is important to include rail activities within this definition to accurately capture all port activities within Napier City.	Retain as proposed
KiwiRail Holdings Limited	Definitions /Definitions /General	168.15	Amend	Seeks the inclusion of a new definition of Rail Vibration Alert Area Overlay for clarity. This submission point aligns with other submission points on the Noise Chapter and Planning Maps seeking the inclusion of new introductory text and a mapped overlay.	Add new definition as follows:  <b><u>Rail Vibration Alert Area Overlay</u></b>  <u>means the area potentially affected by vibration between a railway corridor boundary and a distance of 60m.</u>
KiwiRail Holdings Limited	Definitions /Definitions /General	168.16	Amend	Regionally Significant Infrastructure is a term that is used in the Plan. Seeks inclusion of a definition of this term, including rail, for clear interpretation of the Plan.	Add new definition of Regionally Significant Infrastructure which includes the rail network.

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KiwiRail Holdings Limited	Definitions /Definitions /REVERSE SENSITIVITY	168.17	Amend	Supports the definition of reverse sensitivity subject to amendment. Seeks amendment to recognise that in the context of rail, activities are more than operation of the railway and the definition also needs to encompass ongoing maintenance of the rail network including rail yards. It is appropriate to recognise the vulnerability of existing, lawfully established activities such as the rail network to other activities in the vicinity which may be sensitive to adverse environmental effects.	Amend as follows: means the vulnerable potential for the <u>development, upgrading, operation and maintenance</u> of an existing lawfully established activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential, or perceived adverse environmental effects generated by the existing activity or structure.
KiwiRail Holdings Limited	Definitions /Definitions / SENSITIVE ACTIVITIES	168.18	Amend	Seeks clarification on whether this definition includes retirement accommodation.	Amend for consistency with 'Noise Sensitive Activity' list.
KiwiRail Holdings Limited	Definitions /Definitions /General	168.19	Amend	Seeks the inclusion of a definition of Transport Network. Transport network is a term is used throughout the Plan and for clarity, KiwiRail seeks a definition which includes the rail network.	Add new definition of Transport Network which includes the rail network.
KiwiRail Holdings Limited	Definitions /Definitions /UPGRADING (NETWORK UTILITIES)	168.20	Support	Supports the specific ability to improve or increase the safety or efficiency of existing infrastructure as defined as upgrading.	Retain as proposed
KiwiRail Holdings Limited	SD - Sustainability, Resilience, and Climate Change /Strategic Objectives / SD-SRCC-O2: Resilient Napier	168.21	Support	Generally supports the proposed objective which aims to protect infrastructure from significant increase in the risk from natural hazards, including climate change.	Retain as proposed.
KiwiRail Holdings Limited	SD - Transport and Infrastructure Provision /Strategic Objectives / SD-TI-O1: Enabling infrastructure	168.22	Support	Generally supports the objective as it intends to enable infrastructure, including the port and transportation networks which includes rail infrastructure.	Retain as proposed
KiwiRail Holdings Limited	SD - Transport and Infrastructure Provision /Strategic Objectives / SD-TI-O2: Transport	168.23	Amend	Generally supports the proposed objective for a transport network that optimises connectivity and safety. Clarification is sought to ensure the rail corridor is classified as part of the transport network. See submission point 16 above.	Clarify/define transport network
KiwiRail Holdings Limited	SD - Transport and Infrastructure Provision /Strategic Objectives / SD-TI-O3: Managing adverse effects of infrastrucur	168.24	Support	Generally supports the proposed objective as it intends to manage adverse effects of infrastructure with regard to the benefits and needs of infrastructure.	Retain as proposed
KiwiRail Holdings Limited	SD - Transport and Infrastructure Provision /Strategic Objectives / SD-TI-O4: Significant infrastructure and reverse sensitivity	168.25	Amend	Strongly supports clear direction for the protection of the safe and efficient operation of infrastructure from incompatible development and reverse sensitivity. Seeks clarification of what 'significant infrastructure' includes as this term isn't defined. See submission point 13 above. Use of a defined term such as 'Regionally Significant Infrastructure' as opposed to 'Significant infrastructure' would assist with objective implementation.	Clarify/define significant infrastructure
KiwiRail Holdings Limited	NU - Network utilities /Objectives / NU-O1: Essential role of network utilities	168.26	Support	Supports recognition of the essential role of network utilities and the intent of the objective to enable the safety and efficiency of network utilities, including the rail network.	Retain as proposed
KiwiRail Holdings Limited	NU - Network utilities /Objectives / NU-O2: Adverse effects of network utilities	168.27	Support	Supports recognition of the functional and operational needs of network utilities while managing adverse effects on the environment.	Retain as proposed
KiwiRail Holdings Limited	NU - Network utilities /Objectives / NU-O3: Adverse effects on network utilities	168.28	Support	Supports the intent of this objective, to protect the operation, safety, maintenance, upgrade and development of network utilities from incompatible activities and reverse sensitivity effects.	Retain as proposed

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KiwiRail Holdings Limited	NU - Network utilities /Policies / NU-P1: Essential role of network utilities	168.29	Support	Supports provisions which enable and provide for the on-going operation and maintenance of existing network utilities, as well as providing for upgrade and development of new network utilities.	Retain as proposed
KiwiRail Holdings Limited	NU - Network utilities /Policies / NU-P2: Adverse effects of network utilities	168.30	Support	Supports policy direction that recognises that it is not always possible to avoid adverse effects of infrastructure and that adverse effects on the safety and efficiency of network utilities must be managed.	Retain as proposed.
KiwiRail Holdings Limited	NU - Network utilities /Policies / NU-P3: Adverse effects of network utilities on protected areas and sites of significance	168.31	Support	Supports management of adverse effects of network utilities on protected areas and sites of significance while recognising the functional and operational needs of network utilities.	Retain as proposed
KiwiRail Holdings Limited	NU - Network utilities /Policies / NU-P4: Adverse effects on network utilities	168.32	Amend	Supports provisions that seek to protect the safe and efficient operation, maintenance, upgrade and development of the rail corridor. Supports clauses (a)-(c) which specifically seek to protect the corridor via managing setbacks, noise sensitive activities and access. Seeks a new clause to ensure that land disturbance and subdivision are managed within the vicinity of the rail corridor as well as activities to address all potential impacts from adjacent development and land uses.	Amend as follows: a. managing new activities through setbacks and design controls, where necessary, to achieve appropriate protection of a network utility; b. managing new activities that are sensitive to noise adjoining the railway corridor; c. managing access to the railway corridor and to the national, regional, and arterial road network; d. managing light spill and glare from activities on road users and aircraft; e. avoiding physical obstructions within the Airport Zone; f. managing land disturbance and activities in the vicinity of electricity distribution infrastructure including cables, poles, and substations, and maintaining safe electrical clearance distances under electricity distribution lines and support structures; g. ensuring that land disturbance, subdivision, and activities within the National Grid Yard, the National Grid Subdivision Corridor, or within the vicinity of a designated National Grid substation that may compromise the National Grid; h. maintaining safe electrical clearance distances under electricity distribution lines and support structures, and i. ensuring subdivision of sites containing a network utility can achieve safe clearance distances and retain the ability for the network utility operator to access, operate, maintain, repair, and upgrade the network utility. <u>j. managing land disturbance, subdivision, and activities in the vicinity of a network utility to maintain the safe and efficient operation, maintenance, upgrading and development of the network utilities.</u>
KiwiRail Holdings Limited	NU - Network utilities /NU - Network Utilities - Rules Table / NU-R1: Operation, maintenance, replacement, and removal of existing network utilities (that are not regulated by an NES) in all zones and precincts	168.33	Support	Supports the Permitted Activity status of the operation, maintenance, replacement, and removal of existing network utilities in all zones and precincts subject to compliance with standards. Supports a Restricted Discretionary Activity status noting matter of discretion 3. in particular, where compliance with standards cannot be achieved	Retain as proposed.

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KiwiRail Holdings Limited	NU - Network utilities /NU - Network Utilities - Rules Table /  NU-R2: Minor upgrading of existing network utilities in all zones and precincts	168.34	Amend	Supports the Permitted Activity status of minor upgrading of existing network utilities. Considers the clauses fail to provide for rail infrastructure minor upgrades. Seeks amendment to ensure minor upgrades to rail infrastructure can be carried out as a permitted activity, subject to standards. Seeks amendment to NU-R2B to ensure the potential adverse effects on the safe and efficient operation of the rail network.	Amend as follows:  NU-R2A Activity Status: Permitted Where: The realignment, configuration, relocation, or replacement of electricity, gas distribution, or telecommunication line, pipe, pole, conductors, cross arms, switches, transformers, cabinets, <u>rail infrastructure</u> or ancillary structures must be: a. within 5 m of the existing alignment or location.  NU-R2B Activity Status where activity conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 or 11 are not met: Restricted Discretionary  Matters of discretion are: a. Functional and operational needs of and benefits derived from the network utility; b. Purposes and necessity of the upgrading; c. Potential adverse visual effects of the upgrading, including impacts on the amenity values of the locality and any contribution to cumulative adverse effects; d. Potential adverse effects on heritage values; e. Potential adverse effects on protected areas and natural hazards, f. <u>Impact on the safe and efficient operation of the rail network;</u> and g. Any measures to avoid, remedy or mitigate adverse effects.
KiwiRail Holdings Limited	NU - Network utilities /NU - Network Utilities - Rules Table /  NU-R6: Construction of new network utilities (that are not regulated by an NES) not already provided for in NU-R4 (within the Airport Zone) and NU-R5 (within National Grid Yard) in all zones and precincts, except the Estuary, Foreshore Reserve, Reserve and/or River Conservation Zones	168.35	Amend	Considers that it is unclear where the Estuary, Foreshore Reserve, Reserve and River Conservation Zones are. There is one zone labelled 'Ahuriri Estuary Stormwater and Ecology' but otherwise it's unclear where the other listed zones are. Seeks clarification of these zones within relevant provisions and on the planning maps. Considers it is difficult to assess the appropriateness of these provisions for construction of new network utilities without confirming how these zones interact with the rail corridor.	Amend as follows:  Amend planning maps to clearly show the extent of the Estuary, Foreshore Reserve, Reserve and River Conservation Zones.  And/or  Amend provisions to correctly list defined precincts/zones on the planning maps.
KiwiRail Holdings Limited	NU - Network utilities /NU - Network Utilities - Rules Table /  NU-R7: Construction of new underground network utilities in the Estuary, Foreshore Reserve, Reserve and/or River Conservation Zones	168.36	Amend	Considers that it is unclear where the Estuary, Foreshore Reserve, Reserve and River Conservation Zones are. There is one zone labelled 'Ahuriri Estuary Stormwater and Ecology' but otherwise it's unclear where the other listed zones are. Seeks clarification of these zones within relevant provisions and on the planning maps. Considers it is difficult to assess the appropriateness of these provisions for construction of new network utilities without confirming how these zones interact with the rail corridor.	Amend as follows:  Amend planning maps to clearly show the extent of the Estuary, Foreshore Reserve, Reserve and River Conservation Zones.  And/or  Amend provisions to correctly list defined precincts/zones on the planning maps.
KiwiRail Holdings Limited	NU - Network utilities /NU - Network Utilities - Rules Table /  NU-R12: New above ground network utilities within the Estuary, Foreshore Reserve, Reserve and/or River Conservation Zones (that are not regulated by an NES)	168.37	Amend	Considers that it is unclear where the Estuary, Foreshore Reserve, Reserve and River Conservation Zones are. There is one zone labelled 'Ahuriri Estuary Stormwater and Ecology' but otherwise it's unclear where the other listed zones are. Seeks clarification of these zones within relevant provisions and on the planning maps. Considers it is difficult to assess the appropriateness of these provisions for construction of new network utilities without confirming how these zones interact with the rail corridor.	Amend as follows:  Amend planning maps to clearly show the extent of the Estuary, Foreshore Reserve, Reserve and River Conservation Zones.  And/or  Amend provisions to correctly list defined precincts/zones on the planning maps.

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KiwiRail Holdings Limited	NU - Network utilities /NU - Network Utilities - Rules Table /  NU-R11: Temporary network utilities in all zones and precincts	168.38	Support	Supports provision for temporary network utilities in all zones and precincts as a Permitted Activity, subject to standards.	Retain as proposed.
KiwiRail Holdings Limited	NU - Network utilities /NU - Network Utilities - Standards Table /  NU-S1: Setbacks	168.39	Amend	Supports the proposed setbacks for network utilities including rail buildings and structures on sites adjoining residential activities and non- residential activities. Seeks amendment to 3. Setbacks where adjoining the rail corridor. Considers that a safety setback is important to provide enough space within a site adjoining the rail corridor for the network utility operator of that building, line or structure to maintain and access their network utility – without accessing the rail corridor to do so, or getting too close to trains. Considers that network utilities constructed close to the rail corridor do not leave enough space on site for essential maintenance activities and the lack of space means that it is highly likely that these activities can only happen by accessing the rail corridor. Notes the rail corridor is not a public domain and it has a very different and high consequence risk profile compared to entering other sites. Notes it is a hazardous environment and entering the rail corridor can result in a material safety issue to both the person accessing the corridor, and to the rail operations being undertaken within the rail corridor. Seeks a 5 metre safety setback from the boundary of the rail corridor to provide sufficient clearance to use and maintain network utilities safely while ensuring the provision of a safe and efficient rail network.	Amend as follows:  The following minimum setbacks for network utilities from the rail corridor boundary must be provided as follows:  any part of an above ground building or structure - $\geq 5$ m.
KiwiRail Holdings Limited	NU - Network utilities /NU - Network Utilities - Standards Table /  NU-S2: Height for above ground buildings	168.40	Amend	Generally supports the height standards for above ground buildings. Seeks minor amendment to the matters of discretion for consistency and to ensure the efficiency of network utilities is a consideration.	Amend as follows:  Matters of discretion are: 1. Functional and operational requirements of the network utility; 2. Effects on character and amenity of adjoining sites and surrounding environment; 3. The prominence of the location, taking into account significant public views; 4. Effects on public health and safety, including air traffic safety, 5. <u>Impact on the safe and efficient operation of the network utility; and</u> 6. Impacts on the functional requirements, and safe <u>and efficient</u> operation of other network utilities.
KiwiRail Holdings Limited	NU - Network utilities /NU - Network Utilities - Standards Table /  NU-S3: Height for above ground structures (other than buildings)	168.41	Amend	Generally supports the height standards for above ground structures. Seeks minor amendment to the matters of discretion for consistency and to ensure the safe and efficient operation of network utilities is a consideration.	Amend as follows:  Matters of discretion are: 1. Functional and operational requirements of the network utility; 2. Effects on character and amenity of adjoining sites and surrounding environment; 3. The prominence of the location, taking into account significant public views; 4. Effects on public health and safety, including air traffic safety, 5. <u>Impact on the safe and efficient operation of the network utility; and</u> 6. Impacts on the functional requirements, and safe <u>and efficient</u> operation of other network utilities.

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KiwiRail Holdings Limited	NU - Network utilities /NU - Network Utilities - Standards Table /  NU-S4: Floor space & dimensions	168.42	Amend	Generally supports the floor space standards for above ground buildings and structures. Seeks minor amendment to the matters of discretion for consistency and to ensure the safe and efficient operation of network utilities is a consideration.	Matters of discretion are: 1. Functional and operational requirements of the network utility; 2. Effects on character and amenity of adjoining sites and surrounding environment; 3. The prominence of the location, taking into account significant public views, and 4. <u>Impact on the safe and efficient operation of the network utility;</u> 5. Effects on public health and safety.
KiwiRail Holdings Limited	NU - Network utilities /NU - Network Utilities - Standards Table /  NU-S5: Sight distances	168.43	Amend	Notes that this standard currently only refers to state highway sight distances. Requests amendment to ensure that both rail and road intersection sightlines are protected for safety reasons. Requests inclusion of a new rule and standard within the Transport Chapter to require protection of level crossing sight lines. Requests amendment to NU-S5 to refer to these provisions and ensure compliance for network utilities.	Amend as follows: ... 3. <u>Any network utility must meet the requirements of TPT-R6 and TPT-S8 relating to the protection of sight lines at railway level crossings.</u>
KiwiRail Holdings Limited	NU - Network utilities /NU - Network Utilities - Standards Table /  NU-S6: Noise and vibration	168.44	Amend	Supports clause 2. which specifies that noise limits don't apply to emergency and back-up generator noise for 48 hours. Seeks inclusion of new matters of discretion for consistency and to ensure the safe and efficient operation of network utilities is a consideration.	Matters of discretion are: 1. <u>Functional and operational requirements of the network utility;</u> 2. <u>Effects on character and amenity of adjoining sites and surrounding environment;</u> 3. <u>Impact on the safe and efficient operation of the network utility;</u> 4. Effects of noise on amenity values, and 5. Effects on public health and safety.
KiwiRail Holdings Limited	NU - Network utilities /NU - Network Utilities - Standards Table /  NU-S7: Light spill	168.45	Amend	Supports a specific light spill standard for network utilities. KiwiRail is required to install and use lighting for safe navigation and access within the rail corridor. Requests that the rail lighting is grouped with road lighting.	Amend as follows: 1. For sites adjoining or adjacent to residentially zoned land, the following standard shall apply, except where the light source is located on a legal road, road reserve or service lane, <u>or within the rail corridor</u> :  a. all external lighting must be sited, directed, and screened to ensure that the direct illuminance from the lighting installation must be less than 8 lux spill measured at a height of 1.5 m above the ground at the boundary of the site.  2. Where any network utility is located on a road <u>or within the rail corridor</u> , any outdoor lighting must be so selected, located aimed, adjusted, screened and maintained to ensure that glare resulting from the lighting does not cause significant adverse effects on the occupants of residential activities, road users, or aircraft.  3. The above light spill standards do not apply to road lighting, traffic signals, <u>rail lighting</u> , and navigational beacons. Matters of discretion are: 1. <u>Functional and operational requirements of the network utility;</u> 2. <u>Impact on the safe and efficient operation of the network utility;</u> 3. Effects of light spill and glare on residential amenity values, and 4. Effects on road user and aircraft safety.
KiwiRail Holdings Limited	NU - Network utilities /NU - Network Utilities - Standards Table /  NU-S8: Parking and access	168.46	Amend	Seeks amendment to ensure that vehicle access tracks, required for regular maintenance of the rail network, are not included in this standard. The rail corridor could be considered to be over 200m2 however the submitter does not consider it is the intention of this standard to capture access tracks for linear infrastructure.	Amend as follows:  Any network utility on a site that is more than 200m2 in area, <u>excluding the rail network</u> , must meet the requirements for access in the Transport chapter in standards, TPT-S4 (Vehicle Access (General)), TPT-S5 (Vehicle Access (Restrictions)), and TPT-S6 (Manoeuvring).

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KiwiRail Holdings Limited	SW - Stormwater /Policies / SW-P1: Onsite detention in existing urban areas with a connection to a public stormwater network	168.47	Support	Supports provisions for on-site stormwater management to pre-development levels or connection to the public reticulated system. Seek to ensure neighbouring development does not result in stormwater discharge onto the rail corridor which can compromise the safe and efficient operation of the rail network.	Retain as proposed.
KiwiRail Holdings Limited	SW - Stormwater /Policies / SW-P3: Overland flow paths	168.48	Support	Supports policy direction to maintain overland flow path capacity to ensure stormwater flows safely without causing damage to property including rail infrastructure.	Retain as proposed.
KiwiRail Holdings Limited	TPT - Transport /Objectives / TPT-O1: Safe and efficient integrated transportation network	168.49	Support	Supports the objective for a safe, efficient and integrated transport network. The rail network is important for the movement of freight within Napier City and submitter supports recognition and protection of the ability to move freight via rail.	Retain as proposed
KiwiRail Holdings Limited	TPT - Transport /Objectives / TPT-O2: Economic wellbeing	168.50	Support	Supports the intention to provide safe and efficient freight access for economic wellbeing.	Retain as proposed.
KiwiRail Holdings Limited	TPT - Transport /Objectives / TPT-O3: Public health and community wellbeing	168.51	Support	Supports a safe transport network, particularly where road, cycle and pedestrian traffic interacts with the rail network at level crossings.	Retain as proposed
KiwiRail Holdings Limited	TPT - Transport /Objectives / TPT-O6: Road/rail crossings	168.52	Amend	Supports safety at level crossings. Amendment to this objective will help clarify that appropriate controls for safety at level crossings apply to road users, cyclists and pedestrians, as well as neighbouring land uses and development.	Amend as follows: TPT-O6: Road/rail crossings Road/rail crossings operate safely <u>with road users, cyclists, pedestrians</u> , neighbouring land use and development.
KiwiRail Holdings Limited	TPT - Transport /Policies / TPT-P1: Roads and connections	168.53	Support	Supports identification and maintenance of transport connections, including recognising their primary function, supporting growth and contributing to health and safety of the community.	Retain as proposed.
KiwiRail Holdings Limited	TPT - Transport /Policies / TPT-P2: Trip generation	168.54	Support	Supports managing design and location of subdivision, use and development to ensure the safe and efficient operation of the integrated transport network. Notes previous submission point which seeks a definition of Land Transport Network, to include the rail network, for clarity.	Retain as proposed
KiwiRail Holdings Limited	TPT - Transport /Policies / TPT-P3: Freight access routes	168.55	Support	Considers the rail network to be a freight access route as the rail network carries freight to and from the Napier Port within Napier City. Supports maintaining the safe and efficient delivery of freight as a priority on these access routes as provided for in this policy.	Retain as proposed.
KiwiRail Holdings Limited	TPT - Transport /Policies / TPT-P6: Access and egress	168.56	Support	Supports the management of the location and design of access to support safety and visibility at level crossings and minimising queuing at level crossings.	Retain as proposed.



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KiwiRail Holdings Limited	TPT - Transport /Policies / TPT-P8: Rail level crossings	168.57	Amend	Supports policy to manage land use and development in the vicinity of level crossings. KiwiRail seeks amendments to refine the wording and ensure safety at level crossings is maintained.	Amend as follows: Manage land use and development to minimise the risk of collisions at level crossings, including by: a. controlling new or increased use of vehicle access to sites adjacent to all road/rail level crossings to improve safety for road users on the approach to level crossings; b. <del>discouraging</del> <u>avoiding</u> new <u>at-grade road and pedestrian-rail</u> level crossings to ensure the safe, effective, and efficient operation of the rail network, and c. providing controlled safe crossing points for pedestrian and cyclists as part of upgrades to rail level crossings.
KiwiRail Holdings Limited	TPT - Transport /TPT - Transport - Rules Table / TPT-R1: Parking, loading, and access	168.58	Support	Supports this rule and the requirement of vehicle crossings to comply with all relevant transport standards, including a minimum setback for vehicle crossings from the rail corridor.	Retain as proposed.
KiwiRail Holdings Limited	TPT - Transport /TPT - Transport - Rules Table /General	168.59	Amend	Seeks the inclusion of a new rule relating to sight lines at railway level crossings. Notes that level crossings within Napier City are controlled by a combination of Stop / Give Way signs, and flashing lights / alarms / barrier arms and that different level crossing controls require different sight lines to ensure safety at crossings. Also seeks inclusion of a new standard with diagrams to assist with implementation of the rule. To protect sight lines at level crossings and address TPT-I6 in the Proposed Plan, the new rule and standard are proposed. Compliance with the standard would provide for development as a Permitted Activity, with non-compliance requiring a Restricted Discretionary Activity consent, with discretion restricted to the aspects provided in the new standard. Submitter produced the diagrams shown on the right, for inclusion in district plans throughout New Zealand. Refer to original submission for attached diagrams.	Amend as follows: <b><u>New rule TPT-R6: Sight lines at railway level crossings All zones</u></b> <b>Activity status:</b> Permitted <b>Where:</b> <u>Compliance is achieved with TPT-S8.</u> <b>Activity status where compliance is not achieved:</b> Restricted Discretionary <b>Matters of discretion are:</b> <u>1. The potential for adverse effects on the safety and efficiency of the rail network.</u> <u>2. Applications under this rule must provide, in addition to the standard information requirements, evidence of engagement with KiwiRail.</u>

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KiwiRail Holdings Limited	TPT - Transport /TPT - Transport - Standards Table /General	168.60	Amend	Seeks the inclusion of a new rule relating to sight lines at railway level crossings. Notes that level crossings within Napier City are controlled by a combination of Stop / Give Way signs, and flashing lights / alarms / barrier arms and different level crossing controls require different sight lines to ensure safety at crossings. Also seeks inclusion of a new standard with diagrams to assist with implementation of the rule. To protect sight lines at level crossings and address TPT-16 in the Proposed Plan, the new rule and standard are proposed. Compliance with the standard would provide for development as a Permitted Activity, with non-compliance requiring a Restricted Discretionary Activity consent, with discretion restricted to the aspects provided in the new standard. Submitter produced the diagrams shown on the right, for inclusion in district plans throughout New Zealand. Refer to original submission for attached diagrams.	<p><b><u>New standard TPT-S8: Sight triangles at railway level crossings Restart sight triangles at level crossings</u></b></p> <p><u>On sites adjacent to all rail level crossings, no building, structure, planting or visual obstruction shall be located within the shaded areas shown in Figure 1. 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).</u></p> <p><u>Figure 1: Restart Sight Triangles for all Level Crossings [Refer to submission]</u> . <u>Table 1: Required Restart Sight Distances for Figure 1 [Refer to submission]</u></p> <p><b><u>Advice Note:</u></b> <u>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.</u></p> <p><u>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.</u></p> <p><b><u>Approach sight triangles at level crossings with Give Way signs</u></b> <u>On sites adjacent to rail level crossings controlled by Give Way Signs, no building, structure, planting or other visual obstruction shall be located within the shaded areas shown in Figure 2.</u></p> <p><u>Figure 2: Approach Sight Triangles for Level Crossings with “Give Way” Signs [Refer to submission]</u></p> <p><b><u>Advice Note:</u></b> <u>The approach sight triangles ensure that clear visibility is achieved around rail level crossings with Give Way signs so that a driver approaching a rail level can either:</u></p> <ul style="list-style-type: none"> <li><u>· See a train and stop before the crossing; or</u></li> <li><u>· Continue at the approach speed and cross the level crossing safely.</u></li> </ul> <p><u>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.</u></p> <p><u>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.</u></p> <p><u>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</u></p>
KiwiRail Holdings Limited	TPT - Transport /TPT - Transport - Standards Table /  TPT-S5: Vehicle access (restrictions)	168.61	Amend	Supports this standard which requires vehicle access to be a minimum of 30m from any railway level crossing and specifies that access must not cross a railway line. Seeks an advice note to be included in the rule for KiwiRail Holdings Limited be contacted for advice where the proposed access crosses a railway line (private or public crossing) or a railway level crossing.	<p>Amend as follows:</p> <p><b><u>Advice Note:</u></b> <u>Advice should be sought from KiwiRail Holdings Limited where the vehicle access crosses a railway line (private or public crossing) or a railway level crossing.</u></p>

Submitter Name	Section / Sub-section / Provision	Submission number / Point Number	Position	Summary of Submission	Relief Summary
KiwiRail Holdings Limited	TREE - Notable Trees /TREE - Notable Trees - Rules Table /  TREE-R1: Trimming, pruning, and treatment of a notable tree	168.62	Support	Notes that there is a grouping of notable trees within the rail corridor along Awatoto Road in the Operative Plan. These trees are identified as notable trees within the Proposed Plan (ref. 4). Supports trimming, pruning, and treatment of a notable tree as a Permitted Activity subject to conditions. Also supports the matters of discretion which include serious hazard/damage and nuisances.	Retain as proposed.
KiwiRail Holdings Limited	TREE - Notable Trees /TREE - Notable Trees - Rules Table /  TREE-R2: Removal or destruction of a notable tree	168.63	Amend	Seeks amendment to this provision to provide for the removal of a notable tree if it has the potential to create severe adverse effects on the safe and efficient operation of a network utility. This would allow submitter to remove a notable tree if it was likely to create a hazard threatening the safe operation of the rail network.	Amend as follows:  TREE-R2A  Activity Status: Permitted  Where: 1. The tree is either dead, has a fatal disease, or has the potential to create severe adverse effects on the health and safety of people;  <u>2. The tree has the potential to create severe adverse effects on the safe and efficient operation of a network utility;</u>  3. It is undertaken by the Council and approved by the Chief Executive Officer, and  4. It is consistent with section 5.6 of the City Wide Reserve Management Plan.
KiwiRail Holdings Limited	Planning Maps /General /General	168.64	Oppose	Notes that there is an area of this overlay which extends over the designated Napier Port Branch rail corridor. Supports the intent of the overlay for the surrounding area, however, having reviewed SCHED4 attributes, values and character which define this overlay, does not consider it appropriate to include the operational rail corridor within this overlay.	Remove the Iron Pot Heritage Overlay from the designated rail corridor.
KiwiRail Holdings Limited	NFL - Natural Features and Landscape /Policies /  NFL-P7: Manage the effects of network utilities	168.65	Amend	Notes that the Network Utilities chapter does not provide specific rules for activities within overlays. The Special Character Features (Keteketerau, Ahuriri Estuary (including outfall channel)) Overlay and the Special Character Landscapes (Te Whanganui-ā-Orotu) both extend over part of the rail network. If these overlays related to ecological values only, submitter requests the overlays be removed from the long-established, developed rail corridor. However, as the two overlays are defined by natural and historical characteristics, submitter accepts the overlays but asks for provisions which ensure rail corridor activities within the existing rail corridor are still provided for. Seeks amendment to this policy to provide an assessment hierarchy where when adverse effects cannot be avoided, adverse effects are remedied or mitigated. Due to the linear nature of the existing rail corridor, it is not always possible or practicable to relocate or avoid mapped areas. Seek recognition of this in this policy.	Amend as follows:  Manage the effects of network utilities  Avoid locating network utilities on prominent positions and/or ridgelines within outstanding natural features <del>and special character features.</del>  <u>Avoid, remedy or</u> mitigate the adverse effects of network utilities on special character landscapes <del>and special character features.</del>

Submitter Name	Section / Sub-section / Provision	Submission number / Point Number	Position	Summary of Submission	Relief Summary
KiwiRail Holdings Limited	NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table /  NFL-R1: Earthworks or land disturbance within a special character landscape (excluding the Special Purpose Airport Zone)	168.66	Amend	Supports the Permitted Activity status of earthworks within a special character landscape, subject to standards. Seeks inclusion of two matters of discretion to recognise the importance and needs of network utilities if standards cannot be met.	Amend as follows:  NFL-R1B Activity Status where activity conditions are not met: Restricted Discretionary  Matters of discretion are: 1. Landscape values; 2. Cultural values, 3. Sediment and erosion control, 4. <u>The functional and operational requirements of the network utility; and</u> 5. <u>Impact on the safe and efficient operation of the network utility.</u>
KiwiRail Holdings Limited	NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table /  NFL-R2: Buildings or structures within an outstanding natural feature and special character feature	168.67	Amend	Accepts the rule as proposed for Outstanding Natural Features but seeks amendment to remove special character feature from this rule and to instead group with special character landscapes in NFL-R3.	Amend as follows:  NFL-R2: Buildings or structures within an outstanding natural feature <del>and special character feature</del>
KiwiRail Holdings Limited	NFL - Natural Features and Landscape /NFL - Natural Features and Landscapes - Rules Table /  NFL-R3: Buildings or structures within a special character landscape (excluding the Special Purpose Airport Zone)	168.68	Amend	Seeks amendment to include special character features within this rule which allows for buildings or structures that cannot meet Permitted Activity standards, as a Restricted Discretionary Activity. Seeks matters of discretion to recognise the importance and needs of network utilities if standards cannot be met.	Amend as follows:  NFL-R3: Buildings or structures within a special character landscape <u>or special character feature</u> (excluding the Special Purpose Airport Zone)  Activity Status where activity conditions are not met: Restricted Discretionary  Matters of discretion are: 1. Visual impact; 2. Landscape values 3. Cultural values, 4. <u>The functional and operational requirements of the network utility; and</u> 5. <u>Impact on the safe and efficient operation of the network utility.</u>
KiwiRail Holdings Limited	SUB - Subdivision /Objectives /  SUB-O1: Compatible land use	168.69	Support	Supports this objective and its intention to ensure that potential reverse sensitivity effects from subdivision are avoided or mitigated.	Retain as proposed
KiwiRail Holdings Limited	SUB - Subdivision /Objectives /  SUB-O3: Infrastructure, transport, and connectivity	168.70	Support	Supports this objective and intention to protection operation and access to regionally significant infrastructure while mitigating reverse sensitivity effects.	Retain as proposed.
KiwiRail Holdings Limited	SUB - Subdivision /Policies /	168.71	Support	Supports policy direction which seeks to avoid or mitigate reverse sensitivity effects in adjoining properties.	Retain as proposed.
KiwiRail Holdings Limited	SUB - Subdivision /Policies /  SUB-P9: Integrated provision of infrastructure	168.72	Support	Supports policy requiring subdivision to connect sites to the public stormwater system where there is capacity or demonstrate there is an alternative means of servicing.	Retain as proposed.
KiwiRail Holdings Limited	SUB - Subdivision /Policies /  SUB-P12: Provision of infrastructure in rural areas	168.73	Support	Supports policy requiring adequate provision of infrastructure in rural areas, particularly stormwater management which can cause a down stream effect for the rail corridor if not managed appropriately.	Retain as proposed
KiwiRail Holdings Limited	SUB - Subdivision /SUB - Subdivision - Rules Table /  SUB-R1: Subdivision	168.74	Support	Supports matter of control 11. Management of potential reverse sensitivity effects on existing land uses.	Retain as proposed
KiwiRail Holdings Limited	SUB - Subdivision /SUB - Subdivision - Rules Table /  SUB-R2: Boundary adjustment	168.75	Support	Supports matter of control 10. Management of potential reverse sensitivity effects on existing land uses.	Retain as proposed.

Submitter Name	Section / Sub-section / Provision	Submission number / Point Number	Position	Summary of Submission	Relief Summary
KiwiRail Holdings Limited	SUB - Subdivision /SUB - Subdivision - Standards Table / SUB-S1: Minimum allotment sizes - residential	168.76	Support	Supports the standard which ensures that lots created by subdivision that do not meet the minimum specified lot size are Non-Complying. Clusters of small lot sizes have the potential to create significant demands on existing infrastructure networks.	Retain as proposed.
KiwiRail Holdings Limited	CE - Coastal Environment /Objectives /General	168.77	Amend	Notes that the Coastal Environmental Overlay extends over large sections of the rail corridor within Napier City. Acknowledges mapping of the corridor parallel to the coast but requests provisions that accommodate rail activities within the established corridor, recognizing the functional necessity for such activities to be situated there. Considers that a new policy is required to reflect how the rail corridor interacts with the coastal environment and provide for rail activities.	Amend as follows: <b>CE-O7: Adverse effects of network utilities</b> The adverse effects of network utilities on the natural character of the coastal environment are avoided, remedied, or mitigated, as far as is practicable, while recognising the functional and operational needs of network utilities (including those associated with their scale, design, and locational requirements).
KiwiRail Holdings Limited	CE - Coastal Environment /Policies / CE-P2: Determine whether an activity is inappropriate in the coastal environment	168.78	Support	Supports this policy which guides decision makers on whether an activity is appropriate in the coastal environment. Supports consideration of the functional or operational need to locate within the coastal environment, opportunity to mitigate anticipated effects, and the existing land uses on the site. Considers these matters are especially helpful for linear infrastructure such as the rail corridor which cannot be easily relocated.	Retain as proposed
KiwiRail Holdings Limited	EW - Earthworks /Policies / EW-P1: Allow for earthworks	168.79	Support	Supports policy that seeks to provide for earthworks if the scale, volume and effects are appropriately managed.	Retain as proposed.
KiwiRail Holdings Limited	EW - Earthworks /EW - Earthworks - Rules Table / EW-R1: Earthworks for building activities	168.80	Support	Supports the Permitted Activity status of earthworks for building activities, subject to standards.	Retain as proposed.
KiwiRail Holdings Limited	EW - Earthworks /EW - Earthworks - Rules Table / EW-R3: Earthworks associated with the replacement and/or removal of a fuel storage system as defined in the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011	168.81	Support	Supports the Permitted Activity status of earthworks for network utilities, including access tracks, by a network utility operator. Submitter requires access roads to maintain and upgrade the rail network.	Retain as proposed.
KiwiRail Holdings Limited	EW - Earthworks /EW - Earthworks - Standards Table / EW-S1: Extent of earthworks	168.82	Support	Supports these standards for earthworks extents in different zones and cut/fill requirements.	Retain as proposed.
KiwiRail Holdings Limited	EW - Earthworks /EW - Earthworks - Standards Table / EW-S2: Earthworks - cut and fill	168.83	Support	Supports these standards for earthworks extents in different zones and cut/fill requirements.	Retain as proposed.
KiwiRail Holdings Limited	EW - Earthworks /EW - Earthworks - Standards Table / EW-S3: Slope stability	168.84	Support	Support this standard to ensure earthworks don't result in land instability at or beyond a site.	Retain as proposed.

Submitter Name	Section / Sub-section / Provision	Submission number / Point Number	Position	Summary of Submission	Relief Summary
KiwiRail Holdings Limited	EW - Earthworks /EW - Earthworks - Standards Table / EW-S5: Control of silt and sediment	168.85	Amend	Supports this standard however, seeks inclusion of the rail corridor. Considers that lineside development can result in uncontrolled silt and sediment entering the rail corridor which can compromise the rail network and threaten the safe operation of trains.	Amend as follows: 1. For the duration of earthworks, measures must be implemented to prevent silt or sediment from entering the stormwater system, overland flow paths, <u>rail corridor</u> or roads.
KiwiRail Holdings Limited	EW - Earthworks /EW - Earthworks - Standards Table / EW-S6: Site reinstatement	168.86	Support	Supports site reinstatement following earthworks to control sediment.	Retain as proposed.
KiwiRail Holdings Limited	LIGHT - Light /Objectives / LIGHT-O1: Appropriate lighting activities	168.87	Support	Supports this objective that provides for artificial lighting to be used for operational and functional purposes and to provide for the security and safety of people and properties.	Retain as proposed.
KiwiRail Holdings Limited	LIGHT - Light /Policies / LIGHT-P1: Adverse effects of artificial lighting on the amenity and character of areas	168.88	Support	Supports this policy that enables the appropriate level of artificial light for operation and functional purposes.	Retain as proposed.
KiwiRail Holdings Limited	LIGHT - Light /Policies / LIGHT-P2: Adverse effects of artificial lighting	168.89	Support	Supports this policy which requires artificial lighting to be located, designed and operated to ensure the safe and efficient operation of the transport network.	Retain as proposed.
KiwiRail Holdings Limited	LIGHT - Light /Policies / LIGHT-P3: Appropriate lighting activities	168.90	Amend	Supports this policy but seeks inclusion of rail signals.	Amend as follows: Recognise the positive effects of lighting for the safety of the community by enabling :a. traffic <u>and rail</u> signals and navigation aids; b. lights of vehicles, trains and aircraft, and c. temporary lighting for the purposes of emergency response.
KiwiRail Holdings Limited	LIGHT - Light /LIGHT - Light - Rules Table / LIGHT-R2: Traffic signals and navigation aids; lights of vehicles, trains and aircraft; and temporary lighting for the purposes of emergency response	168.91	Amend	Supports this rule but seeks inclusion of rail signals.	Amend as follows: LIGHT-R2: Traffic <u>and rail</u> signals and navigation aids; lights of vehicles, trains and aircraft; and temporary lighting for the purposes of emergency response.
KiwiRail Holdings Limited	LIGHT - Light /LIGHT - Light - Standards Table / LIGHT-S1: Light spill and lighting design	168.92	Amend	Supports this standard for light spill and lighting design but seeks amendment to the exemptions for this standard to include rail as well as roads.	Amend as follows: 1. Light spill conditions for all land uses other than for the purposes of illuminating a road <u>or rail corridor</u> :

Submitter Name	Section / Sub-section / Provision	Submission number / Point Number	Position	Summary of Submission	Relief Summary
KiwiRail Holdings Limited	NOISE - Noise /Introduction /	168.93	Amend	Seeks the inclusion of a new Vibration Alert Area Overlay to identify areas susceptible to rail vibration, within 60m of the rail corridor boundary. Seeks the inclusion of an overview of this overlay and its purpose within the introduction section.	Amend as follows: ... The RMA empowers territorial authorities to regulate activities on land and water affecting amenity values but does not enable the authorities to control noise from overflying aircraft. Noise from overflying aircraft is controlled under section 29B of the Civil Aviation Act 1990.  The approach to noise management set out within this chapter is generally consistent with the NZ Standard.  <u>A Rail Vibration Alert Overlay has been applied which identifies the vibration-sensitive area within 60 metres each side of the railway designation boundary as properties within this area may experience rail vibration effects. No specific district plan provisions apply in relation to vibration controls as a result of this Rail Vibration Alert Area. The Rail Vibration Alert Overlay is to advise property owners of the potential vibration effects but leaves with the site owner to determine an appropriate response.</u>
KiwiRail Holdings Limited	NOISE - Noise /Objectives / NOISE-O1: Amenity values, health, and wellbeing	168.94	Support	Supports that the health and wellbeing of people and communities should be protected from adverse noise levels.	Retain as proposed.
KiwiRail Holdings Limited	NOISE - Noise /Objectives / NOISE-O3: Reverse sensitivity	168.95	Support	Supports the protection of existing and authorised activities, such as rail operations, from reverse sensitivity effects.	Retain as proposed.
KiwiRail Holdings Limited	NOISE - Noise /Objectives / NOISE-O4: Transport network	168.96	Amend	Submitter continuously works to reduce existing sound exposure and to manage the effects of our operations on existing sensitive activities, however, due to the nature of rail operations, are unable to internalise all noise effects associated with rail activities. Seeks amendment to reflect this in this policy.	Amend as follows: <del>The operators of transport corridors adopt the best practicable option to ensure noise levels are reasonable and seek</del> to minimise the effects from transport noise on noise-sensitive activities, <u>as far as reasonably practicable.</u>
KiwiRail Holdings Limited	NOISE - Noise /Policies / NOISE-P2: Noise-sensitive activities	168.97	Support	Supports this policy which recognises the need to prevent noise-sensitive activities in certain locations and provide appropriate acoustic treatment to protect amenity. Also supports that the rail corridor is a high noise-generating which may be located in the residential zone.	Retain as proposed.
KiwiRail Holdings Limited	NOISE - Noise /Policies / NOISE-P4: Reverse sensitivity	168.98	Support	Supports restricting noise sensitive activities where ventilation and acoustic insulation standards cannot be met.	Retain as proposed.

Submitter Name	Section / Sub-section / Provision	Submission number / Point Number	Position	Summary of Submission	Relief Summary
KiwiRail Holdings Limited	NOISE - Noise /Policies / NOISE-P5: Transport network	168.99	Amend	Seeks amendment to this policy to recognise the functional and operational requirements of maintaining, operating, and improving the railway network.Considers that clause a. would impose an impractical restriction and narrow focus on the best practicable option for upgrades to and development of the rail network. Seeks to manage adverse noise effects of rail activities, however considers that this is just one in a range of considerations for the provision a safe and efficient transport network. Seeks for the deletion of clause a. to remove the narrow outcome for the delivery of a safe and efficient transport network. Seeks minor amendment to clause b. as management of noise sensitive activities includes treatments beyond noise insulation to ensure that an appropriate level of amenity is provided within buildings containing noise sensitive activities in proximity to the rail corridor.	Amend as follows:  Minimise potential conflicts between noise generated from the transport network and noise-sensitive activities by: <del>a. requiring the adoption of the best practicable option to minimise the noise effects on all new and upgraded state highways, arterials, collector roads, and railways constructed in the city, and</del> b. requiring <u>insulation treatment</u> of new or altered noise-sensitive activities where they are located <u>within</u> a High Land Transport Noise Overlay.
KiwiRail Holdings Limited	NOISE - Noise /NOISE - Noise - Rules Table / NOISE-R1: Noise generation (general)	168.100	Amend	Seeks amendment to ensure that all rail operations are exempt/considered permitted activities in terms of noise standards. Clause e. needs to be broadened slightly to include all ancillary rail movements (hi-rail vehicles etc) and level crossing alarms.	Amend as follows:  1. For all activities other than those specifically addressed in NOISE-R2 – NOISE-R8 (inclusive), NOISE-S1 and NOISE-S2 apply.  2. The noise and vibration standards in any part of the District Plan do not apply to the following, unless the District Plan specifically states otherwise. The activities listed below are therefore considered permitted activities in terms of the noise standards:  a. the noise from the use of vehicles, mobile machinery, or other mobile or portable equipment where they are used on a seasonal or intermittent basis for agricultural, horticultural, viticultural, or forestry activities that are permitted by the Plan; b. the noise from animals on farms unless they are confined within a building or enclosure on a permanent or semi- permanent basis. This does not apply to dog breeding, kennels, or dog-stay facilities; c. the noise from normal residential activity that is part of a residential land use, such as children’s play, informal social activities, lawnmowing, and home maintenance work undertaken by the occupier, provided the activity is undertaken during reasonable hours and is of reasonable duration; d. the noise of individual vehicles on public roads; e. the noise of trains <del>travelling</del> on designated railway land, <u>including at railway yards, railway sidings, or stations and level crossing alarms;</u> f. the noise of sirens used for emergency purposes.



Submitter Name	Section / Sub-section / Provision	Submission number / Point Number	Position	Summary of Submission	Relief Summary
KiwiRail Holdings Limited	NOISE - Noise /NOISE - Noise - Rules Table / NOISE-R10: Noise sensitive activities in the High Land Transport Noise Overlay	168.101	Amend	<p>KiwiRail supports a rule aligning with their noise mitigation model provisions sought to be included in District Plans across New Zealand . Notes that rail operations run 24/7, and train characteristics can change without community consultation. Noise can have an impact on the internal amenity of a building. Mitigation measures are essential to prevent adverse effects on the health and wellbeing of nearby residents and workers. Seeks a new rule and standard to ensure appropriate internal amenity in buildings for sensitive activities. This is most effectively achieved at the time of construction. The further removed from the rail corridor a building is, the less additional mitigation may be required. Mitigation levels are based on World Health Organisation standards, considering intermittent train noise and community acceptance. Notes requiring a greater setback from the rail boundary as a means of addressing noise effects at smaller residential sites near the rail corridor may not be feasible. Non-compliance requires consent as a restricted discretionary activity under the proposed plan. Balancing efficient rail network use with community wellbeing and safety is crucial. KiwiRail and NZTA seek to protect the safe and efficient operation of their respective transport networks, and the amenity of those who reside and work within proximity to transport corridors.</p> <p>Both collaborate to produce a refined rule and standard to manage noise-sensitive activities within the High Land Transport Noise Overlay. Both seek the same framework of controls in terms of managing noise effects, with some variation in criteria and distances between road and rail. The purpose of the provisions sought is to protect the health of occupants of new and altered buildings, and in turn to avoid or mitigate potential reverse sensitivity effects on the operations of KiwiRail and NZTA.</p> <p>Refer to original submission for full reasons and attached proposed rules, standards and Section 32 Report on Noise and Vibration</p>	<p>Replace NOISE-R10 with the rule provided in Appendix A as below</p> <p><b><u>NOISE-R10: Noise sensitive activities in the High Land Transport Noise Overlay</u></b> <b><u>NOISE-R10A</u></b> <b><u>Activity Status: Permitted</u></b></p> <p><b><u>Where:</u></b> <b><u>Any new buildings or alterations to existing buildings containing an activity sensitive to noise which complies with the noise standards in NOISE-S7.</u></b></p> <p><b><u>NOISE-R10B</u></b> <b><u>Activity Status where activity conditions are not met: Restricted Discretionary</u></b></p> <p><b><u>Matters of discretion are:</u></b></p> <ol style="list-style-type: none"> <li><b><u>1. Whether the activity sensitive to noise could be located further from the state highway or railway network.</u></b></li> <li><b><u>2. The extent to which the noise criteria are achieved and the effects of any non-compliance.</u></b></li> <li><b><u>3. The character of, and degree of, amenity provided by the existing environment and proposed activity.</u></b></li> <li><b><u>4. The reverse sensitivity effects on the state highway or rail network, and the extent to which mitigation measures can enable their ongoing operation, maintenance and upgrade.</u></b></li> <li><b><u>5. The outcome of any consultation with Waka Kotahi NZ Transport Agency or KiwiRail.</u></b></li> </ol>

Submitter Name	Section / Sub-section / Provision	Submission number / Point Number	Position	Summary of Submission	Relief Summary
KiwiRail Holdings Limited	NOISE - Noise /NOISE - Noise - Standards Table /General	168.102	Amend	<p>KiwiRail supports a rule aligning with their noise mitigation model provisions sought to be included in District Plans across New Zealand . Notes that rail operations run 24/7, and train characteristics can change without community consultation. Noise can have an impact on the internal amenity of a building. Mitigation measures are essential to prevent adverse effects on the health and wellbeing of nearby residents and workers. Seeks a new rule and standard to ensure appropriate internal amenity in buildings for sensitive activities. This is most effectively achieved at the time of construction. The further removed from the rail corridor a building is, the less additional mitigation may be required. Mitigation levels are based on World Health Organisation standards, considering intermittent train noise and community acceptance. Notes requiring a greater setback from the rail boundary as a means of addressing noise effects at smaller residential sites near the rail corridor may not be feasible. Non-compliance requires consent as a restricted discretionary activity under the proposed plan. Balancing efficient rail network use with community wellbeing and safety is crucial. KiwiRail and NZTA seek to protect the safe and efficient operation of their respective transport networks, and the amenity of those who reside and work within proximity to transport corridors.</p> <p>Both collaborate to produce a refined rule and standard to manage noise-sensitive activities within the High Land Transport Noise Overlay. Both seek the same framework of controls in terms of managing noise effects, with some variation in criteria and distances between road and rail. The purpose of the provisions sought is to protect the health of occupants of new and altered buildings, and in turn to avoid or mitigate potential reverse sensitivity effects on the operations of KiwiRail and NZTA.</p> <p>Refer to original submission for full reasons and attached proposed rules, standards and Section 32 Report on Noise and Vibration</p>	<p>Add new standard provided in Appendix A as below</p> <p><u>NOISE-S7: Acoustic treatment for noise sensitive activities in the High Land Transport Noise Overlay</u>  <u>Outdoor road noise</u>  <u>1. Any new building, or alteration to an existing building, that contains an activity sensitive to noise where:</u>  <u>a. external road noise levels are less than 57 dB LAeq(24h) at all points 1.5 metres above ground level within the proposed notional boundary; or</u><u>Matters of discretion are:</u>  <u>1. Whether the activity sensitive to noise could be located further from the state highway or railway network.</u>  <u>2. The extent to which the noise criteria are achieved and the effects of any noncompliance.</u>  <u>3. The character of, and degree of, amenity provided by the existing environment and proposed activity.</u><u>b. there is a noise barrier at least 3 metres high which blocks the line of sight to the road surface from all points 1.5 metres above ground level within the proposed notional boundary.</u><u>Indoor road and railway noise</u>  <u>2. Any new building, or alteration to an existing building, that contains an activity sensitive to noise where the building or alteration is:</u>  <u>a. designed, constructed and maintained to achieve indoor design noise levels resulting from the road or railway not exceeding the maximum values in in Table-S7; or</u>  <u>b. at least 50 metres from the carriageway of any state highway or 50 metres from any railway corridor, and is designed so that a noise barrier entirely blocks line-of-sight from all parts of doors and windows, to the road surface and to all points 3.8 metres above railway tracks; or</u>  <u>c. is a single-storey framed residential building with habitable rooms designed, constructed and maintained in accordance with the construction schedule in NOISE-APP1.</u></p> <p><u>Table-S7</u>  <u>Building type</u>  <u>Occupancy / activity</u>  <u>Maximum road noise level LAeq(24h)</u>  <u>Maximum railway noise level LAeq(1h)</u>  <u>Residential Sleeping spaces 40dB 35 dB</u>  <u>All other habitable rooms 40dB 40 dB</u>  <u>Education Lecture rooms / theatres, music studios, assembly halls 35 dB 35 dB</u></p> <p><u>4. The reverse sensitivity effects on the state highway or rail network, and the extent to which mitigation measures can enable their ongoing operation, maintenance and upgrade.</u>  <u>5. The outcome of any consultation with Waka Kotahi NZ Transport Agency or KiwiRail.</u><u>Teaching areas, conference rooms, drama studios, sleeping areas 40 dB 40 dB</u><u>Library 45 dB 45 dB</u>  <u>Health Clinics Overnight medical care, wards 40 dB 40 dB</u>  <u>Consulting rooms, theatres, nurses' stations 45 dB 45 dB</u>  <u>Cultural Places of worship, marae 35 dB 35 dB</u>  <u>Mechanical ventilation</u></p>

Submitter Name	Section / Sub-section / Provision	Submission number / Point Number	Position	Summary of Submission	Relief Summary
					<p>3. If opening windows must be closed to achieve the design noise levels in Table-S7, the building must be designed, constructed and maintained with a mechanical ventilation system that:</p> <p>a. For habitable rooms located within the High Land Transport Noise Overlay containing a residential activity, achieves the following requirements:</p> <p>i. Provides mechanical ventilation that can operate continuously to satisfy clause G4 of the New Zealand Building Code and that provides at least 1 air changes per hour, but no less than 7.5L/s per occupant;</p> <p>ii. Provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C when assessed using a 2.5% design weather condition for the applicable location. An acceptable design weather set would include IRHACE Yearbook 2009 NIWA weather data; and</p> <p>iii. HVAC system installed in compliance with (a) and (b) above, must not generate more than 35 dB LAeq(30s) when measured 1 metre away from any grille or diffuser. The noise level must be measured after the system has cooled the rooms to the temperatures in (ii), or after a period of 30 minutes from the commencement of cooling (whichever is the lesser).</p> <p>b. Alternatively, in lieu of section (3)a. above, a design verified by a suitably qualified and experienced HVAC expert stating the design proposed will provide ventilation and internal space temperature controls to meet or exceed the outcomes described in parts (3)a.</p> <p>c. A commissioning report must be submitted to the Council prior to occupation of the building demonstrating compliance with all of the mechanical ventilation system performance requirements in (3).</p> <p><u>Design report</u></p> <p>4. A report is submitted to the council demonstrating compliance with clauses (1) to (3) above (as relevant) prior to the construction or alteration of any building containing an activity sensitive to noise. In the design:</p> <p>a. railway noise is assumed to be 70 LAeq(1h) at a distance of 12 metres from the track, and must be deemed to reduce at a rate of 3dB per doubling of distance up to 40 metres and 6 dB per doubling of distance beyond 40 metres; and</p> <p>b. road noise is based on measured or predicted noise levels plus 3 dB.</p>
KiwiRail Holdings Limited	Planning Maps /General /General	168.103	Amend	Notes that noise from rail corridors can give rise to adverse health effects on sensitive land uses located within 100m of the transport boundary. Notes that the research and guidelines relating to these effects are widely accepted internationally and applied in New Zealand. Seeks that this overlay is extended to include land up to 100m from the rail boundaries.	Amend High Land Transport Noise Overlay extent to 100m from the designated boundaries of the rail and road network.
KiwiRail Holdings Limited	Planning Maps /General /General	168.104	Amend	Seeks the inclusion of a new Rail Vibration Alert Area Overlay to identify areas susceptible to rail vibration, within 60m of the rail corridor boundary. Seeks this new overlay be included on the planning maps.	Add Rail Vibration Alert Area Overlay to the planning maps within 60m of the designated rail corridor.
KiwiRail Holdings Limited	SIGN - Signs /Objectives / SIGN-O2: Well-designed and appropriately located signage enhances city vibrancy, ensures public and transport safety, and contributes to community wellbeing	168.105	Support	Supports this objective which seeks to ensure transport safety	Retain as proposed.
KiwiRail Holdings Limited	SIGN - Signs /Policies / SIGN-P9: Control obstruction and hazards	168.106	Support	Supports this policy which aims to ensure that signs don't obstruct, distract or cause nuisance to traffic, pedestrians, or the efficiency and safety of the transport network.	Retain as proposed.

Submitter Name	Section / Sub-section / Provision	Submission number / Point Number	Position	Summary of Submission	Relief Summary
KiwiRail Holdings Limited	SIGN - Signs /SIGN - Signs - Standards Table / SIGN-S1: Sign position	168.107	Amend	Supports this standard but seeks a clause specifying that signs must not be located within the rail corridor.	<p>Amend as follows:</p> <ol style="list-style-type: none"> <li>1. All signs (other than a moveable, footpath sign) must be contained solely within the site boundaries.</li> <li>2. Where a building has no verandah, the minimum vertical clearance to the base of any sign (other than a moveable, footpath sign) attached at right angles to the building facade from the footpath must be 2.5 m.</li> <li>3. Signs must not be located on or over a road, including the road reserve, <u>or within the rail corridor</u>.</li> <li>4. Signs must not obscure any important architectural feature of a heritage building (listed in the District Plan) including but not limited to windows, parapets, cornices, features or materials with a decorative pattern, and any other architectural elements that are a feature of the building.</li> </ol>
KiwiRail Holdings Limited	SIGN - Signs /SIGN - Signs - Standards Table / SIGN-S4: Sign illumination	168.108	Amend	Supports this standard but seeks rail signals, safety and traffic to also be specified.	<p>Amend as follows:</p> <ol style="list-style-type: none"> <li>1. All signs whether illuminated internally, externally or by other means:               <ol style="list-style-type: none"> <li>a. must not visually obstruct traffic control signals <u>or rail signals</u>, and</li> <li>b. must comply with the conditions relating to light spill in the condition table for the respective zone.</li> </ol> </li> <li>2. Lighting for the purpose of external illumination of signs must be securely attached to the verandah roof, building or sign and must be directed solely at the sign to be illuminated.</li> <li>3. The external illumination of signs by spotlights or floodlights shall be focused only on the device to be illuminated, and shall be directed away from residential zoned sites, <u>the rail corridor</u> and roads.</li> <li>4. The illuminated sign complies with the standards relating to lux light spill for the respective zone.</li> <li>5. Electronic signs, including digital signs must:               <ol style="list-style-type: none"> <li>a. not flash or contain moving images;</li> <li>b. not use animated or videos;</li> <li>c. not play music;</li> <li>d. not have sound or music;</li> <li>e. not obstruct or obscure any traffic control device <u>or rail signal</u> (including partially)</li> <li>f. not impair or obstruct the vision or view of any driver, motorists or any road <u>or rail</u> user using the road <u>or rail corridor</u> safely.</li> </ol> </li> </ol>

Submitter Name	Section / Sub-section / Provision	Submission number / Point Number	Position	Summary of Submission	Relief Summary
					<p>6. Digital images must:</p> <ol style="list-style-type: none"> <li>be static only;</li> <li>be displayed with a dwell time of a minimum of 8 seconds for static images only, and</li> <li>contain a dissolve transition to another image of above 0.5 seconds. Matters of discretion are:</li> </ol> <ol style="list-style-type: none"> <li>Purpose of the sign;</li> <li>Any effects (including cumulative) of signs on the amenity values and character of the area;</li> <li>The effects on heritage values;</li> <li>The visual impact on the appearance of the building (if affixed to a building) or character of an area;</li> <li>The design and appearance of the sign;</li> <li>The dimensions of the sign;</li> <li>The orientation, strength, intensity and colour of the illuminated sign, and</li> <li>Any hazard, safety risk or obstruction to motor vehicles, vehicular <u>or rail</u> traffic, or pedestrians.</li> </ol>
KiwiRail Holdings Limited	<p>GRZ - General Residential Zone /GRZ - General Residential Zone - Standards Table /</p> <p>GRZ-S4: Other yards</p>	168.109	Amend	<p>Notes that The GRZ Chapter does not contain a specific rail corridor building setback standard. Instead, the rail corridor boundary is assessed as a side or rear yard site boundary and a 1m building setback applies. Considers that setbacks are a common planning tool used to ensure the safe and efficient operation of activities such as the railway corridor, particularly when it may come into conflict with adjacent land uses. For rail, a setback provides a safe physical distance between a building and the railway corridor boundary. Heavy freight trains run on the railway lines through the Napier City District. Considers that without a sufficient setback, people painting their buildings, clearing gutters or doing works on their roof will need to access or foul the rail corridor. If a person or object encroaches onto the rail corridor, there is a substantial risk of injury or death for the person entering the rail corridor. Considers that a setback control has obvious safety benefits for the users of the land adjoining the rail corridor and users of the rail corridor. Also notes the efficiency benefits for rail operations, mitigating against the risk of train services being interrupted by unauthorised persons or objects entering the rail corridor. Considers that without appropriate setback requirements, there is significant risk of adverse health and safety effects impacting people locating and working in proximity to</p> <p>the railway corridor.</p> <p>Seeks a new clause within GRZ-S4: Other yards to require a 5m setback for structures and buildings from the rail corridor. Matters of discretion are also sought in the case that the setback cannot be achieved.</p>	<p>Amend as follows:</p> <ol style="list-style-type: none"> <li>No part of any building may be erected closer than 1 m to a side or rear site boundary unless written approval of the adjacent landowner(s) is provided.</li> <li>Any part of a building for visitor accommodation with frontage onto Meeanee Quay must not be erected closer than 3 m to any side or rear boundary unless written approval of the adjacent landowner(s) is provided.</li> <li>No part of any building, fence, or structure may be erected closer than 6 m to any watercourse or open drain.</li> <li><u>No part of any building or structure may be located within a 5m setback from a boundary shared with a rail corridor.</u></li> </ol> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> <li>Purpose of the standard;</li> <li>Neighbourhood character;</li> <li>Safety, attractiveness, and connectivity of streets and public open spaces;</li> <li>Quality living environments;</li> <li>Operation and maintenance of watercourses and open drains;</li> <li><u>The safe and efficient operation of the rail network;</u></li> <li><u>Compatibility with the surrounding environment; and</u></li> <li>The reason for the reduced setback.</li> </ol>

Submitter Name	Section / Sub-section / Provision	Submission number / Point Number	Position	Summary of Submission	Relief Summary
KiwiRail Holdings Limited	<p>LLRZ - Large Lot Residential Zone /LLRZ - Large Lot Residential Zone - Standards Table /</p> <p>LLRZ-S4: Other yards</p> <p>Purpose: to maintain a spacious peri-urban character; to maintain quality living environments on adjacent sites; to provide for building maintenance; to provide protection from natural hazards; to maintain water quality and provide access to watercourses or open drains for maintenance purposes</p> <p>No part of any building may be erected closer than</p>	168.110	Amend	<p>Notes that the LLRZ Chapter does not contain a specific rail corridor building setback standard. Instead, the rail corridor boundary is assessed as a side or rear yard site boundary and a 3m building setback applies with the exception of agricultural, horticultural or viticultural buildings. Supports a 6m setback for buildings associated with these activities. Considers that setbacks are a common planning tool used to ensure the safe and efficient operation of activities such as the railway corridor, particularly when it may come into conflict with adjacent land uses. For rail, a setback provides a safe physical distance between a building and the railway corridor boundary. Heavy freight trains run on the railway lines through the Napier City District. Considers that without a sufficient setback, people painting their buildings, clearing gutters or doing works on their roof will need to access or foul the rail corridor. If a person or object encroaches onto the rail corridor, there is a substantial risk of injury or death for the person entering the rail corridor. Considers that a setback control has obvious safety benefits for the users of the land adjoining the rail corridor and users of the rail corridor. Also notes the efficiency benefits for rail operations, mitigating against the risk of train services being interrupted by unauthorised persons or objects entering the rail corridor. Considers that without appropriate setback</p> <p>requirements, there is significant risk of adverse health and safety effects impacting people locating and working in proximity to the railway corridor.</p> <p>Seeks a new clause within LLRZ-S4:Other yards to require a 5m setback for structures and buildings from the rail corridor. Matters of discretion are also sought in the case that the setback cannot be achieved.</p>	<p>Amend as follows:</p> <ol style="list-style-type: none"> <li>No part of any building may be erected closer than 3 m to a side or rear site boundary.</li> <li>Any part of any building associated with an agricultural, horticultural, or viticultural activity must not be erected closer than 6 m to a side or rear boundary.</li> <li>Any part of a building, fence, or structure must not be erected closer than 6 m from the top of the bank of any watercourse or open drain.</li> <li><u>No part of any building or structure may be located within a 5m setback from a boundary shared with a rail corridor.</u></li> </ol> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> <li>Purpose of the standard;</li> <li>Spacious peri-urban character;</li> <li>Safety, attractiveness, and connectivity of streets and public open spaces;</li> <li>Quality living environments;</li> <li>Operation and maintenance of watercourses and open drains;</li> <li><u>The safe and efficient operation of the rail network;</u></li> <li><u>Compatibility with the surrounding environment; and</u></li> <li>The reason for the reduced setback.</li> </ol>

Submitter Name	Section / Sub-section / Provision	Submission number / Point Number	Position	Summary of Submission	Relief Summary
KiwiRail Holdings Limited	<p>MRZ - Medium Density Residential Zone /MRZ - Medium Density Residential Zone - Standards Table /</p> <p>MRZ-S4: Other yards</p> <p>Purpose: to achieve an urban character; to provide for building maintenance; to provide protection from natural hazards; to maintain water quality and provide access to watercourses or open drains for maintenance purposes.</p> <p>No part of any building may be erected closer than 1 m to a side or rear site boundary unless:</p>	168.111	Amend	<p>Notes that the MRZ Chapter does not contain a specific rail corridor building setback standard. Instead, the rail corridor boundary is assessed as a side or rear yard site boundary and a 1m building setback applies.</p> <p>Considers that setbacks are a common planning tool used to ensure the safe and efficient operation of activities such as the railway corridor, particularly when it may come into conflict with adjacent land uses. For rail, a setback provides a safe physical distance between a building and the railway corridor boundary. Heavy freight trains run on the railway lines through the Napier City District. Considers that without a sufficient setback, people painting their buildings, clearing gutters or doing works on their roof will need to access or foul the rail corridor. If a person or object encroaches onto the rail corridor, there is a substantial risk of injury or death for the person entering the rail corridor. Considers that a setback control has obvious safety benefits for the users of the land adjoining the rail corridor and users of the rail corridor. Also notes the efficiency benefits for rail operations, mitigating against the risk of train services being interrupted by unauthorised persons or objects entering the rail corridor. Considers that without appropriate setback requirements, there is significant risk of adverse health and safety effects impacting people locating</p> <p>and working in proximity to the railway corridor.</p> <p>Seeks a new clause within MRZ-S4: Other yards to require a 5m setback for structures and buildings from the rail corridor. Matters of discretion are also sought in the case that the setback cannot be achieved.</p>	<p>Amend as follows:</p> <ol style="list-style-type: none"> <li>1. No part of any building may be erected closer than 1 m to a side or rear site boundary unless:               <ol style="list-style-type: none"> <li>a. written approval of the adjacent landowner(s) is provided.</li> </ol> </li> <li>2. Any part of a building, fence, or structure must not be erected closer than 6 m from the top of the bank of any watercourse or open drain.</li> <li>3. <u>No part of any building or structure may be located within a 5m setback from a boundary shared with a rail corridor.</u></li> </ol> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> <li>1. Purpose of the standard;</li> <li>2. Safety, attractiveness, and connectivity of streets and public open spaces;</li> <li>3. Quality living environments;</li> <li>4. Operation and maintenance of watercourses and open drains;</li> <li>5. <u>The safe and efficient operation of the rail network;</u></li> <li>6. <u>Compatibility with the surrounding environment; and</u></li> <li>7. The reason for the reduced setback.</li> </ol>
KiwiRail Holdings Limited	<p>HRZ - High Density Residential Zone /HRZ - High Density Residential Zone - Standards Table /</p> <p>HRZ-S4: Other yards</p>	168.112	Amend	<p>Notes that the HRZ Chapter does not contain a specific rail corridor building setback standard. Instead, the rail corridor boundary is assessed as a side or rear yard site boundary and a 1m building setback applies.</p> <p>Considers that setbacks are a common planning tool used to ensure the safe and efficient operation of activities such as the railway corridor, particularly when it may come into conflict with adjacent land uses. For rail, a setback provides a safe physical distance between a building and the railway corridor boundary. Heavy freight trains run on the railway lines through the Napier City District. Considers that without a sufficient setback, people painting their buildings, clearing gutters or doing works on their roof will need to access or foul the rail corridor. If a person or object encroaches onto the rail corridor, there is a substantial risk of injury or death for the person entering the rail corridor. Considers that a setback control has obvious safety benefits for the users of the land adjoining the rail corridor and users of the rail corridor. Also notes the efficiency benefits for rail operations, mitigating against the risk of train services being interrupted by unauthorised persons or objects entering the rail corridor. Considers that without appropriate setback requirements, there is significant risk of adverse health and safety effects impacting people locating</p>	<p>Amend as follows:</p> <p>No part of any building may be erected closer than 1 m to a side or rear site boundary unless:</p> <ol style="list-style-type: none"> <li>a. written approval of the adjacent landowner(s) is provided, there is an existing common wall between two buildings on adjacent sites, or where a common wall is proposed, and</li> <li>b. any part of a building, fence or structure must not be erected closer than 6 m from the top of the bank of any watercourse or open drain.</li> </ol> <p><u>No part of any building or structure may be located within a 5m setback from a boundary shared with a rail corridor.</u></p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> <li>1. Purpose of the standard;</li> <li>2. Safety, attractiveness, and connectivity of streets and public open spaces;</li> <li>3. Quality living environments;</li> <li>4. Operation and maintenance of watercourses and open drains;</li> <li>5. <u>The safe and efficient operation of the rail network;</u></li> <li>6. <u>Compatibility with the surrounding environment; and</u></li> <li>7. The reason for the reduced setback.</li> </ol>

Submitter Name	Section / Sub-section / Provision	Submission number / Point Number	Position	Summary of Submission	Relief Summary
				and working in proximity to the railway corridor.  Seeks a new clause within HRZ-S4: Other yards to require a 5m setback for structures and buildings from the rail corridor. Matters of discretion are also sought in the case that the setback cannot be achieved.	
KiwiRail Holdings Limited	Planning Maps /General /General	168.113	Amend	Notes that the Napier Hill Mataruahou Amenity Precinct extends over the Napier Port Branch in two locations. Supports the intent of this overlay but does not consider it appropriate to include the established, operational rail corridor within a residential amenity precinct overlay.	Remove the Napier Hill Mataruahou Amenity Precinct Overlay from the designated rail corridor.
KiwiRail Holdings Limited	RLZ - Rural Lifestyle Zone /RLZ - Rural Lifestyle Zone - Standards Table /  RLZ-S2: Yards	168.114	Amend	Supports this standard which requires a building setback of 6m from any side or rear boundary. however, seeks that this applies to structures as well to ensure that there is a safe setback from the corridor for not only buildings but all rural structures. Matters of discretion are also sought in the case that the setback cannot be achieved.	Amend as follows:  1. Front yards: a. no part of a building (including eaves and guttering) is erected closer than 7.5 m from the road boundary.  2. Side and rear yards: a. no part of a building is erected closer than 6 m from any side or rear site boundary. b. <u>No part of any building or structure may be located within a 5m setback from a boundary shared with a rail corridor.</u>  Matters of discretion are: 1. Scale, height, bulk, setbacks and built form; 2. Rural characteristics and economic values; 3. Amenity values; 4. Spaces between structures and buildings; 5. Rural characteristics of the zone; 6. Risk to public health and safety and the environment; 7. The effects on the quality, maintenance, use, and protection of a watercourse or open drain; 8. <u>The safe and efficient operation of the rail network;</u> 9. <u>Compatibility with the surrounding environment; and</u> 10. The reason for the reduced setback.
KiwiRail Holdings Limited	RPROZ - Rural Production Zone /RPROZ - Rural Production Zone - Rules Table /  RPROZ-R3: Rural industry and associated buildings and structures	168.115	Support	Supports this rule which requires any building or structure associated with rural industry to be setback by a minimum of 15m from any site boundary.	Retain as proposed.



Submitter Name	Section / Sub-section / Provision	Submission number / Point Number	Position	Summary of Submission	Relief Summary
KiwiRail Holdings Limited	RPROZ - Rural Production Zone /RPROZ - Rural Production Zone - Rules Table /  RPROZ-R4: Rural produce retail activity	168.116	Amend	Notes that without appropriate setback requirements for rural produce retail activities, there is significant risk of adverse health and safety effects impacting occupants locating activities in proximity to the railway corridor. Seeks a new clause within RPROZ-R4A to require a 5m setback for structures and buildings from the rail corridor.	<p>RPROZ-R4A Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The activity is ancillary to a primary production activity located on the same site;</li> <li>2. The maximum area occupied by a rural produce retail activity is 10 m2 and there is no more than one per site;</li> <li>3. The activity is not located on or adjacent to a state highway, or arterial road, and</li> <li>4. The stall selling produce is located on the same site where the produce is grown.</li> <li>5. <u>No part of any building or structure may be located within a 5m setback from a boundary shared with a rail corridor.</u></li> </ol>
KiwiRail Holdings Limited	RPROZ - Rural Production Zone /RPROZ - Rural Production Zone - Standards Table /  RPROZ-S1: Yards	168.117	Amend	Notes that the RPROZ Chapter does not contain a specific rail corridor building setback standard. Instead, the rail corridor boundary is assessed as a side or rear yard site boundary and a 6m building setback applies. Seeks a new clause within RPROZ-S1 to specifically require a 6m setback for structures and buildings from the rail corridor for clarity. Matters of discretion are also sought in the case that the setback cannot be achieved.	<p>Amend as follows:</p> <ol style="list-style-type: none"> <li>1. Front yard:             <ol style="list-style-type: none"> <li>a. no part of a building (including eaves and guttering) is erected closer than 7.5 m to the road boundary.</li> </ol> </li> <li>2. Side and rear yards:             <ol style="list-style-type: none"> <li>a. no part of a building is erected closer than 6 m from any side or rear boundary.</li> </ol> </li> <li>3. Rail corridor setbacks:             <ol style="list-style-type: none"> <li>a. <u>No part of any building or structure may be located within a 5m setback from a boundary shared with a rail corridor.</u></li> </ol> </li> </ol> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> <li>1. Scale and intensity of land use;</li> <li>2. Scale, height, bulk, setbacks, and built form;</li> <li>3. Risk to public health and safety and the environment;</li> <li>4. Cumulative effect;</li> <li>5. The effects on rural character;</li> <li>6. The effects on public health and safety;</li> <li>7. The effects on amenity values;</li> <li>8. The effects on matters of reverse sensitivity;</li> <li>9. <u>The safe and efficient operation of the rail network;</u></li> <li>10. <u>Compatibility with the surrounding environment; and</u></li> <li>11. The reason for the reduced setback.</li> </ol>

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KiwiRail Holdings Limited	LFRZ - Large Format Retail Zone /LFRZ- Large Format Retail Zone - Standards Table /  LFRZ-S3: Yards	168.118	Amend	<p>Notes that LFRZ Chapter does not contain a specific rail corridor building setback standard and there is no yard setback that applies.</p> <p>Considers that setbacks are a common planning tool used to ensure the safe and efficient operation of activities such as the railway corridor, particularly when it may come into conflict with adjacent land uses. For rail, a setback provides a safe physical distance between a building and the railway corridor boundary. Heavy freight trains run on the railway lines through the Napier City District. Considers that without a sufficient setback, people painting their buildings, clearing gutters or doing works on their roof will need to access or foul the rail corridor. If a person or object encroaches onto the rail corridor, there is a substantial risk of injury or death for the person entering the rail corridor. Considers that a setback control has obvious safety benefits for the users of the land adjoining the rail corridor and users of the rail corridor. Also notes the efficiency benefits for rail operations, mitigating against the risk of train services being interrupted by unauthorised persons or objects entering the rail corridor. Considers that without appropriate setback requirements, there is significant risk of adverse health and safety effects impacting people locating and working in proximity to the railway corridor.</p> <p>Seeks a new clause within LFRZ-S3 to require a 5m setback for structures and buildings from the rail corridor. Matters of discretion are also sought in the case that the setback cannot be achieved.</p>	<p>Amend as follows:</p> <ol style="list-style-type: none"> <li>1. Any building or part of a building (including eaves and guttering) must not be erected closer than 20m from the Prebensen Drive and/or Severn Street boundary.</li> <li>2. <u>No part of any building or structure may be located within a 5m setback from a boundary shared with a rail corridor.</u></li> </ol> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> <li>1. Amenity values</li> <li>2. Character of the area,</li> <li>3. <u>The safe and efficient operation of the rail network;</u></li> <li>4. <u>Compatibility with the surrounding environment; and</u></li> <li>5. The reason for the reduced setback.</li> </ol>
KiwiRail Holdings Limited	MUZ - Mixed Use Zone /MUZ - Mixed Use Zone - Standards Table /  MUZ-S3: Yards	168.119	Amend	<p>Notes that MUZ Chapter does not contain a specific rail corridor building setback standard and there is no yard setback that applies to the corridor. In the case of rail, a setback provides a safe physical distance between a building and the railway corridor boundary. Heavy freight trains run on the railway lines through the Napier City District. Without a sufficient setback, people painting their buildings, clearing gutters or doing works on their roof will need to access or foul the rail corridor. Considers that if a person or object encroaches onto the rail corridor, there is a substantial risk of injury or death for the person entering the rail corridor. A setback control has obvious safety benefits for the users of the land adjoining the rail corridor and users of the rail corridor. Also notes the efficiency benefits for rail operations, by mitigating against the risk of train services being interrupted by unauthorised persons or objects entering the rail corridor. Considers that without appropriate setback requirements, there is significant risk of adverse health and safety effects impacting people locating and working in proximity to the railway corridor. Seeks a new clause within MUZ-S3 to require a 5m setback for structures and buildings from the rail corridor. Matters of discretion are also sought in the case that the setback cannot be achieved.</p>	<p>Amend as follows:</p> <ol style="list-style-type: none"> <li>1. There is no front yard requirement, except that a minimum 3m landscaped yard comprised of indigenous plants is required where sites:             <ol style="list-style-type: none"> <li>a. front onto Pandora Road, and</li> <li>b. adjoin a site that is zoned Residential.</li> </ol> </li> <li>2. There is no side or rear yard requirement, except that no part of any building must be located within 6 m of a residential zone site boundary or Tyne Street drain.</li> <li>3. <u>No part of any building or structure may be located within a 5m setback from a boundary shared with a rail corridor.</u></li> </ol> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> <li>1. Purpose of the standard;</li> <li>2. Quality living environments;</li> <li>3. Amenity values;</li> <li>4. Character of the area;</li> <li>5. Operation and maintenance of watercourses and open drains;</li> <li>6. <u>The safe and efficient operation of the rail network;</u></li> <li>7. <u>Compatibility with the surrounding environment; and</u></li> <li>8. The reason for the reduced setback.</li> </ol>

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KiwiRail Holdings Limited	Planning Maps /General /General	168.120	Amend	Notes that there are two very small areas of this overlay which extend onto the designated rail corridor. Generally supports the intent of this overlay but does not consider it appropriate to include the established, operational rail corridor within a Mixed Use precinct overlay. Notes tha the overlay looks to have included the corridor in error due the small inclusions and seeks that the overlay follows the site boundaries.	Remove the West Quay Waterfront Precinct overlay from the designated rail corridor.
KiwiRail Holdings Limited	LIZ - Light Industrial Zone /LIZ - Light Industrial Zone - Standards Table /  LIZ-S1: Yards	168.121	Amend	Notes that LIZ Chapter does not contain a specific rail corridor building setback standard and there is no yard setback that applies to the corridor. Considers that setbacks are a common planning tool used to ensure the safe and efficient operation of activities such as the railway corridor, particularly when it may come into conflict with adjacent land uses. For rail, a setback provides a safe physical distance between a building and the railway corridor boundary. Heavy freight trains run on the railway lines through the Napier City District. Considers that without a sufficient setback, people painting their buildings, clearing gutters or doing works on their roof will need to access or foul the rail corridor. If a person or object encroaches onto the rail corridor, there is a substantial risk of injury or death for the person entering the rail corridor. A setback control has obvious safety benefits for the users of the land adjoining the rail corridor and users of the rail corridor. Also notes efficiency benefits for rail operations, mitigating against the risk of train services being interrupted by unauthorised persons or objects entering the rail corridor. Considers that without appropriate setback requirements, there is significant risk of adverse health and safety effects impacting people locating and working in proximity to the railway corridor. Seeks a new clause within LIZ-S1 to require a 5m setback for structures and buildings from the rail  corridor. Matters of discretion are also sought in the case that the setback cannot be achieved.	Amend as follows:  ...  <u>4. Rail corridor setbacks:</u> <u>No part of any building or structure may be located within a 5m setback from a boundary shared with a rail corridor.</u>  Matters of discretion are: 1. Purpose of the standard; 2. Quality living environments; 3. Amenity values; 4. Character of the area; 5. Operation and maintenance of watercourses and open drains; <u>6. The safe and efficient operation of the rail network;</u> <u>7. Compatibility with the surrounding environment; and</u> 8. The reason for the reduced setback.

Submitter Name	Section / Sub-section / Provision	Submission number / Point Number	Position	Summary of Submission	Relief Summary
KiwiRail Holdings Limited	GIZ - General Industrial Zone /GIZ - General Industrial Zone - Standards Table /  GIZ-S1: Yards	168.122	Amend	Notes that the GIZ Chapter does not contain a specific rail corridor building setback standard and there is no yard setback that applies to the corridor. Considers that setbacks are a common planning tool used to ensure the safe and efficient operation of activities such as the railway corridor, particularly when it may come into conflict with adjacent land uses. For rail, a setback provides a safe physical distance between a building and the railway corridor boundary. Heavy freight trains run on the railway lines through the Napier City District. Considers that without a sufficient setback, people painting their buildings, clearing gutters or doing works on their roof will need to access or foul the rail corridor. If a person or object encroaches onto the rail corridor, there is a substantial risk of injury or death for the person entering the rail corridor. Considers that a setback control has obvious safety benefits for the users of the land adjoining the rail corridor and users of the rail corridor. Also notes the efficiency benefits for rail operations, mitigating against the risk of train services being interrupted by unauthorised persons or objects entering the rail corridor. Considers that without appropriate setback requirements, there is significant risk of adverse health and safety effects impacting people locating and working in proximity to the railway corridor. Seeks a new clause within LIZ-S1 to require a 5m setback  for structures and buildings from the rail corridor. Matters of discretion are also sought in the case that the setback cannot be achieved.	Amend as follows:  ...  4. <u>Rail corridor setbacks:</u> <u>No part of any building or structure may be located within a 5m setback from a boundary shared with a rail corridor.</u>  Matters of discretion are: 1. Purpose of the standard; 2. Quality living environments; 3. Amenity values; 4. Character of the area; 5. Operation and maintenance of watercourses and open drains; 6. <u>The safe and efficient operation of the rail network;</u> 7. <u>Compatibility with the surrounding environment; and</u> 8. The reason for the reduced setback.
KiwiRail Holdings Limited	NOSZ - Natural Open Space Zone /NOSZ - Natural Open Space Zone - Standards Table /  NOSZ-S2: Yards	168.123	Amend	Notes that the NOSZ Chapter contains a standard requiring a 6m building setback from any site boundary. Supports this standard but seeks amendment to ensure that the setback applies to structures as well.	Amend as follows:  Any part of a building (including eaves and guttering) <u>or structure</u> must not be erected closer than 6m to any site boundary.  Any building, fence, permanently fixed structure or part thereof must not be erected closer than 6m from the top of the bank of any watercourse or open drain.
KiwiRail Holdings Limited	OSZ - Open Space Zone /OSZ - Open Space Zone - Standards Table /  OSZ-S3: Yards	168.124	Amend	Notes that the OSZ Chapter contains a standard requiring a 6m building setback from any site boundary. Supports this standard but seeks amendment to ensure that the setback applies to structures as well.	Amend as follows:  Any part of a building (including eaves and guttering) <u>or structure</u> must not be erected closer than 6m to any site boundary.  Any building, fence, permanently fixed structure or part thereof must not be erected closer than 6m from the top of the bank of any watercourse or open drain.
KiwiRail Holdings Limited	PORTZ - Port Zone /Policies /  PORTZ-P1: Regional significance of Napier Port	168.125	Support	Notes that part of the rail corridor extends within the Port Zone. Supports policies that recognise and enable port and industrial activities, including freight activities and movements.	Retain as proposed.
KiwiRail Holdings Limited	PORTZ - Port Zone /Policies /  PORTZ-P2: Characteristics of port activities	168.126	Support	Notes that part of the rail corridor extends within the Port Zone. Supports policies that recognise and enable port and industrial activities, including freight activities and movements.	Retain as proposed.

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KiwiRail Holdings Limited	PORTZ - Port Zone /Policies / PORTZ-P4: Port-related activities	168.127	Support	Notes that part of the rail corridor extends within the Port Zone. Supports policies that recognise and enable port and industrial activities, including freight activities and movements.	Retain as proposed.
KiwiRail Holdings Limited	PORTZ - Port Zone /PORTZ - Port Zone - Rules Table / PORTZ-R1: Any port-related activities	168.128	Support	Supports the permitted activity status of any port-related activities.	Retain as proposed.
KiwiRail Holdings Limited	KRHL - Kiwirail Holdings Limited /Kiwirail Holdings Limited Designations / KRHL-1: Railway purposes	168.129	Amend	Supports the designations table for KiwiRail’s designations. Minor corrections are sought to accurately reflect the company name (capitalized ‘R’) and all lines that extend through Napier City. KiwiRail supports the mapped extent of KRHL-1.	Amend as follows:  KRHL - KiwiRail Holdings Limited  Kiwirail Holdings Limited Designations KRHL-1: Railway purposes  Designation unique identifier: KRHL-1 Designation purpose: Railway purposes  Site identifier: Palmerston North - Gisborne Railway Line, Napier Port Branch and Pandora North Connection including rail yards and bridges.  Eskdale, Bay View, Northshore, Pandora, Ahuriri, Napier Port. Lapse date: Given effect to  Designation hierarchy under section 177 of the Resource Management Act: Primary Conditions: No  Additional information: Formerly designation D1 - Rolled over designation.