

18 May 2026

Hearing Panel  
Kaipara Proposed District Plan  
Kaipara District Council  
Private Bag 1001  
Dargaville 0340

By email to: [mwalters@kaipara.govt.nz](mailto:mwalters@kaipara.govt.nz)

Dear Commissioners,

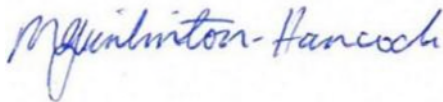
**Kaipara Proposed District Plan – Hearings 17 (Ecosystems and Indigenous Biodiversity)**

KiwiRail Holdings Limited (**KiwiRail**) is the State-Owned Enterprise responsible for the management and operation of the national railway network. This includes managing railway infrastructure and land, as well as rail freight and passenger services within New Zealand. KiwiRail is also the Requiring Authority for land designated "Railway Purposes" in district plans throughout New Zealand.

Two of KiwiRail's submissions on the Kaipara Proposed District Plan (**Proposed Plan**), made on 30 June 2025, have been allocated to Hearing Stream 17 (Ecosystems and Indigenous Biodiversity). The Council Officer, Mr Wyeth, has made recommendations which accept (in part) KiwiRail's submission points. KiwiRail's position on these recommendations is set out in the table included at **Appendix A** to this letter.

At this stage, KiwiRail does not wish to be heard at the hearing for Hearing 17 and respectfully requests this letter is tabled as a record of KiwiRail's position on the Ecosystems and Indigenous Biodiversity chapter of the Proposed Plan. I am available to answer any questions from the Hearing Panel either in writing or via video conference if required.

Yours faithfully,

A handwritten signature in blue ink that reads "Michelle Grinlinton-Hancock".

Michelle Grinlinton-Hancock  
**Manager RMA Team**

**KiwiRail Holdings Limited**



**Appendix A – KiwiRail's position on the Council Officer's recommendations**

**Ecosystems and Indigenous Biodiversity**

Submission number	Provision	KiwiRail's submission	Council Officer Recommendation	KiwiRail's Comments on Council Officer's recommendation
323.51	ECO-P3 (Protection and maintenance of indigenous biodiversity)	KiwiRail sought that ECO-P3 be retained as proposed.	<p>The Council Officer has accepted KiwiRail's relief but also recommends amendments to ECO-P3 to address submission points from other submitters. The recommended amendments are:</p> <p><b>ECO-P3 Protection and maintenance of indigenous biodiversity</b></p> <p>Manage subdivision, land use and development to protect significant indigenous vegetation and significant habitat of indigenous fauna and maintain indigenous biodiversity in a way that:</p> <ol style="list-style-type: none"> <li>1. Does not unreasonably restrict existing primary production activities, particularly on highly productive land;</li> <li>2. Recognises the operational need or functional need of <b>regionally-significant</b> infrastructure to traverse or locate within areas of significant indigenous vegetation and significant habitat of indigenous fauna</li> </ol>	<p>KiwiRail accepts the amended version of ECO-P3 as recommended by the Council Officer in response to other submitters.</p> <p>The Policy appropriately seeks to manage subdivision, land use and development to protect significant indigenous vegetation and significant habitat of indigenous fauna and maintain indigenous biodiversity in a way that allows for (among other things) the operational needs of infrastructure. In particular, KiwiRail supports P3(2) applying to "infrastructure" more broadly on the basis that this is defined in the Proposed Plan and RMA to include rail infrastructure, and the change is consistent with the drafting in P3(3).</p>

Submission number	Provision	KiwiRail's submission	Council Officer Recommendation	KiwiRail's Comments on Council Officer's recommendation
			<p>where there are no practicable alternative locations;</p> <p>3. Allows for operation, use, <del>and</del> maintenance <u>and repair</u> of existing structures, including infrastructure; <del>and</del></p> <p>4. Enables land to be used and developed to support the social, economic and cultural well-being of people and communities; <u>and</u></p> <p><u>5. Enables mana whenua to develop on whenua Māori and Treaty settlement land, where adverse effects on biodiversity are managed and minimised.</u></p>	
323.52	ECO-R1 (Indigenous vegetation clearance and any associated land disturbance for specified activities)	KiwiRail sought that ECO-R1 be retained as proposed.	<p>The Council Officer has accepted KiwiRail's relief but also recommends amendments to the permitted activity standards of ECO-R1 to address submission points from other submitters. The recommended amendments (relating to infrastructure) are:</p> <p>1. <b>Activity Status:</b> Permitted</p> <p><b>Where:</b> The indigenous vegetation clearance is for the following purposes:</p>	<p>KiwiRail accepts the Council Officer's recommendation.</p> <p>The amendments to ECO-R1(l)(ii) have been recommended in response to Transpower's submission that “associated access tracks” should be included as infrastructure providers need access to infrastructure to ensure it is maintained and operating properly, and it is consistent with other listed exemptions in ECO-R1.1.</p>

Submission number	Provision	KiwiRail's submission	Council Officer Recommendation	KiwiRail's Comments on Council Officer's recommendation
			<p>[...]</p> <p>I. Clearance for the operation, repair or maintenance of the following activities where they have been lawfully established:</p> <ul style="list-style-type: none"> <li>i. Fences;</li> <li>ii. Infrastructure <u>and associated access tracks</u></li> </ul>	<p>KiwiRail considers this change is appropriate.</p>