

18 May 2026

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

By email to: mwalters@kaipara.govt.nz

Dear Commissioners,

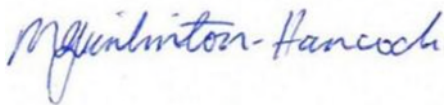
Kaipara Proposed District Plan – Hearing 18 (Natural Character)

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.

Three of KiwiRail's submissions on the Kaipara Proposed District Plan (**Proposed Plan**), made on 30 June 2025, have been allocated to Hearing Stream 18 (Natural Character). The Council Officer, Mr Lee, 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 18 and respectfully requests this letter is tabled as a record of KiwiRail's position on the Natural Character 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

Natural Character

Submission number	Provision	KiwiRail's submission	Council Officer Recommendation	KiwiRail's Comments on Council Officer's recommendation
323.53	NATC-P5 (Assessment of resource consents)	Support with amendment. KiwiRail supports the policy as notified, but seeks that the definition of "regionally significant infrastructure" include rail infrastructure.	<p>The Council Officer has accepted KiwiRail's relief in part. Mr Lee states that he has not considered KiwiRail's relief on the definition of "regionally significant infrastructure" as this is more appropriately dealt with in the infrastructure section 42A report. However, he recommends replacing the term "regionally significant infrastructure" with "building or structure" which he considers would include rail infrastructure and would therefore provide the relief sought by KiwiRail.</p> <p>NATC-P5 Assessment of Resource Consents</p> <p>Have regard to the following matters when assessing the effects of resource consent applications for subdivision, and use and development on the natural character of wetland, lake and river margins:</p> <p>[...]</p> <p>7. The operational need or functional need of any <u>building or structure</u> regionally significant infrastructure to be in the particular location;</p>	<p>KiwiRail has submitted on the definition of "regionally significant infrastructure" and seeks it be amended to expressly include rail infrastructure. While KiwiRail understands the scope of this definition will be addressed by the Council Officer preparing the section 42A report for the Infrastructure Chapter, the breadth of the definition has implications in other provisions such as NATC-P5 as notified.</p> <p>However, the Council Officer has proposed to delete reference to "regionally significant infrastructure" in NATC-P5 and replace it with "building or structure". While KiwiRail considers "building or structure" is sufficiently broad to include rail infrastructure, it is concerned that without specific reference to infrastructure (including the rail network), there could be uncertainty as to the implementation of this policy in practice. KiwiRail therefore continues to support reference to "infrastructure" within this policy or "regionally significant</p>

Submission number	Provision	KiwiRail's submission	Council Officer Recommendation	KiwiRail's Comments on Council Officer's recommendation
			[...]	infrastructure" (provided that definition is amended to expressly include rail activities).
323.53	NATC-R3 (Earthworks in wetland, lake and river margins)	Amend NATC-R3.1.b as follows: b. The earthworks is for the maintenance of lawfully established roads, <u>railways</u> , fences, utility connections, [...]	<p>The Council Officer has accepted KiwiRail's relief in part. Mr Lee supports KiwiRail's addition, however he has recommended an amendment to permit earthworks associated with existing infrastructure (which includes rail under the Proposed Plan definition), so considers a specific reference to railways is not necessary.</p> <p>NATC-R3</p> <p>1. Activity Status: Permitted</p> <p>Where:</p> <p>[...]</p> <p>b. The earthworks is for the maintenance of lawfully established:</p> <ul style="list-style-type: none"> <u>i.</u> roads, <u>ii.</u> fences <u>iii.</u> <u>network</u> utility connections <u>iv.</u> [...] 	KiwiRail accepts the recommendation of the Council Officer, provided NATC-R3 includes the new permitted pathway under clause (c) as proposed by the Council Officer for earthworks associated with existing infrastructure.

Submission number	Provision	KiwiRail's submission	Council Officer Recommendation	KiwiRail's Comments on Council Officer's recommendation
			<p>c. <u>The earthworks:</u></p> <p>[...]</p> <p>iii. <u>Is for the following purpose (including any associated access):</u></p> <p>[...]</p> <p><u>(e) The upgrade, operation, maintenance, repair or removal of existing infrastructure:</u></p> <p>[...]</p>	
323.54	NATC-R4 (Indigenous vegetation clearance in wetland, lake and river)	<p>Amend NATC-R4.1.b as follows:</p> <p>b. The indigenous vegetation clearance is for the maintenance of lawfully established roads, <u>railways</u>, fences, utility connections, [...]</p>	<p>The Council Officer has accepted KiwiRail's relief in part. Mr Lee supports KiwiRail's addition, however he has recommended an amendment to enable indigenous vegetation clearance associated with existing infrastructure (which includes rail under the Proposed Plan definition), so considers a specific reference to railways is not necessary.</p> <p>NATC-R4</p> <p>1. Activity Status: Permitted</p> <p>Where:</p> <p>[...]</p>	<p>KiwiRail accepts the recommendation of the Council Officer, provided NATC-R4 includes the new permitted pathway as proposed in clause (c) for indigenous vegetation clearance associated with existing infrastructure.</p>

Submission number	Provision	KiwiRail's submission	Council Officer Recommendation	KiwiRail's Comments on Council Officer's recommendation
			<p>b. The indigenous vegetation clearance is for the maintenance of lawfully established:</p> <ul style="list-style-type: none"> v. roads, vi. fences vii. <u>network</u> utility connections viii. [...] <p>c. <u>The maximum area of indigenous vegetation clearance is 50m² within any 12 month period per site, and is for:</u></p> <ul style="list-style-type: none"> i. <u>The upgrade, operation, maintenance, repair or removal of existing infrastructure;</u> <p>[...]</p>	