

18 May 2026

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

By email to: mwalters@kaipara.govt.nz

Dear Commissioners,

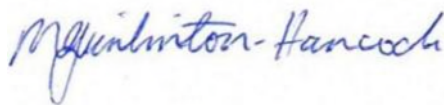
Kaipara Proposed District Plan – Hearing 19 (Natural Features and Landscapes)

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.

Seven of KiwiRail's submissions on the Kaipara Proposed District Plan (**Proposed Plan**), made on 30 June 2025, have been allocated to Hearing Stream 19 (Natural Features and Landscapes). The Council Officer, Mr Lee, has made recommendations accept (in part) and reject 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 19 and respectfully requests this letter is tabled as a record of KiwiRail's position on the Natural Features and Landscapes 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 Features and Landscapes

Submission number	Provision	KiwiRail's submission	Council Officer Recommendation	KiwiRail's Comments on Council Officer's recommendation
323.56	NFL-P2 (Existing use and development)	KiwiRail supported the retention of NFL-P2 as notified.	<p>The Council Officer has accepted KiwiRail's relief but also recommends amendments to NFL-P2 to address submission points from other submitters. The recommended amendments are:</p> <p>NFL-P2 Existing <u>subdivision</u>, use and development</p> <p>Recognise that lawfully established <u>subdivision</u>, land use and development are located within Outstanding Natural Features ("ONF") and Outstanding Natural Landscapes ("ONL") and allow them to continue without undue restriction.</p>	KiwiRail accepts the amended version of NFL-P2 as recommended by the Council Officer. The Policy appropriately recognises that lawfully established activities (such as subdivision, land use and development) should be allowed to continue where they are located within ONF and ONL.
323.57	NFL-P5 (Regionally significant infrastructure)	KiwiRail supported the retention of NFL-P5 as notified, provided that the definition of "Regionally Significant Infrastructure" was amended to include rail infrastructure.	The Council Officer has rejected KiwiRail's relief, and has recommended NFL-P5 as notified be deleted to avoid duplication. In particular, Mr Lee considers that the Coastal Environment chapter contains an equivalent policy (CE-P5), and the Infrastructure chapter— particularly INF-P5—also provides direction on managing the effects of regionally significant infrastructure on 'overlays', including ONL	KiwiRail does not support the Council Officer's recommended deletion of NFL-P5 and seeks Policy NFL-P5 be reinstated. KiwiRail understands that the definition of Regionally Significant Infrastructure will be addressed as part of the Infrastructure Chapter, but for the record, KiwiRail continues to support that definition being

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			and ONF. Therefore, the deletion of NFL-P5 removes unnecessary duplication.	<p>amended to include rail infrastructure.</p> <p>It is both appropriate and necessary that this chapter include express policy direction that is enabling of regionally significant infrastructure in ONL and ONF. While KiwiRail supports the inclusion of an equivalent policy in the Infrastructure Chapter, it is concerned that without specific reference in the Natural Features and Landscape Chapter, there could be uncertainty as to the implementation of the rules in this chapter in practice. The rules in the Natural Features and Landscape Chapter include the activities associated with the maintenance, upgrading, repair and operation of infrastructure, including regionally significant infrastructure, and therefore it is appropriate for there to be specific policy direction in the chapter that the rules implement.</p>

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				KiwiRail therefore continues to support the retention of NFL-P5 as notified.
323.58	NFL-R1 (External additions and alterations to existing buildings or structures)	KiwiRail supported the retention of NFL-R1 as notified.	<p>The Council Officer has accepted KiwiRail's submission but recommends amendments to NFL-R1 to address submission points from other submitters. The recommended amendments make non-compliance with the Rule restricted discretionary, as opposed to discretionary.</p> <p>NFL-R1 External additions and alterations to existing buildings or structures</p> <p>ONL and ONF</p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The alteration or addition of any existing building or structure shall not exceed the height of the existing building or structure; and</p>	KiwiRail accepts the Council Officer's recommendation and considers the amendment to change the status of non-compliance with the permitted standards from discretionary to restricted discretionary is appropriate.

Submission number	Provision	KiwiRail's submission	Council Officer Recommendation	KiwiRail's Comments on Council Officer's recommendation
			<p>b. The activity complies with the following standards:</p> <ul style="list-style-type: none"> i. NFL-S2 Gross Floor Area; and ii. NFL-S3 Exterior Colour and Reflectivity <p>23. Activity status when compliance not achieved: <u>Restricted</u> Discretionary</p> <p><u>3 Matters over which discretion is restricted:</u></p> <ul style="list-style-type: none"> a. <u>The matters in NFL-P6; and</u> b. <u>The positive effects of the activity.</u> 	
323.59	NFL-R2 (New buildings and structures)	<p>KiwiRail supported the retention of NFL-R2 as notified, which provides a permitted pathway for buildings or structures associated with regionally significant infrastructure in an ONL or ONF within the coastal environment. However, this support was subject to the definition of "Regionally Significant Infrastructure" being amended to include rail infrastructure.</p>	<p>The Council Officer has consolidated the permitted activity rules for new buildings and structures within an ONL or ONF outside and within the coastal environment into a single permitted activity rule.</p> <p>He has recommended that non-compliance with the permitted activity standards require a restricted discretionary activity status where they cannot be met inside the coastal environment, and non-complying activity status where they cannot be met inside the coastal environment (with the exception of regionally significant</p>	<p>KiwiRail accepts the Council Officer's recommended amendments which will still provide a permitted pathway for buildings and structures associated with the rail network and KiwiRail's operations, provided they comply with the relevant standards. KiwiRail also considers a more enabling activity status for Regionally Significant Infrastructure is appropriate where compliance with the standards is unable to be achieved. As above, KiwiRail</p>

Submission number	Provision	KiwiRail's submission	Council Officer Recommendation	KiwiRail's Comments on Council Officer's recommendation
			<p>infrastructure has a discretionary activity status).</p>	<p>continues to seek the definition of "regionally significant infrastructure" be amended to include rail infrastructure.</p>
323.60	NFL-R3 (Indigenous vegetation clearance)	<p>KiwiRail supported the retention of NFL-R3 as notified, provided that the definition of "Regionally Significant Infrastructure" was amended to include rail infrastructure.</p>	<p>The Council Officer has accepted KiwiRail's submission in part and recommends amendments to NFL-R3 to address submission points from other submitters. The recommended amendments are:</p> <p>NFL-R3 Indigenous vegetation clearance</p> <p>ONL outside the coastal environment</p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The activity complies with NFL-S5 Indigenous vegetation clearance; or</p> <p>b. Clearance for the operation, repair or maintenance of the following activities where they have been lawfully established:</p> <p>i. Fences;</p> <p>ii. Infrastructure, including effluent disposal systems;</p>	<p>KiwiRail accepts the Council Officer's recommended amendments to NFL-R3. It is appropriate and necessary for there to be an enabling pathway for vegetation clearance in an ONL where the clearance is for the operation, maintenance, repair or removal of infrastructure (or minor upgrades). As set out above, KiwiRail continues to seek the definition of "regionally significant infrastructure" be amended to include rail infrastructure.</p>

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			<p>iii. Buildings and swimming pools; <u>and</u> iv. <u>Tracks</u> driveways, parking areas and access;</p> <p>v. Walking Tracks,</p> <p>vi. Cycling tracks;</p> <p>vii. Farming and forestry tracks; and</p> <p>viii. Farm drains; <u>or</u></p> <p><u>c. The indigenous vegetation clearance is for the following purposes:</u></p> <p><u>i. [...]</u></p> <p><u>viii. For the operation, maintenance, repair or removal of infrastructure;</u></p> <p><u>or</u></p> <p><u>ix. For the minor upgrading of regionally significant infrastructure.</u></p> <p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p><u>Where: The clearance is outside the coastal environment</u></p>	

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			<p>3. Matters over which discretion is restricted: a. The matters in NFL P6; and b. The positive effects of the activity.</p> <p><u>4. Activity status when compliance not achieved with NFL R3.2: Discretionary</u></p> <p><u>Where:</u></p> <p><u>The clearance is associated with regionally significant infrastructure</u></p> <p><u>5. Activity status when compliance not achieved with NFL R3.4: Non-complying</u></p> <p><u>ONL within the coastal environment</u></p> <p><u>4. Activity status: Permitted</u></p> <p><u>Where:</u></p> <p>a. <u>The indigenous vegetation clearance is associated with regionally significant infrastructure.</u></p> <p><u>5. Activity Status when compliance not achieved with NFL R3.4: Non-complying.</u></p>	

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323.61	NFL-R4 (Earthworks)	KiwiRail sought NFL-R4 be amended so that earthworks for the maintenance of rail within ONL and ONF outside the coastal environment is treated the same as roads, as the operational requirements are similar.	<p>The Council Officer has accepted KiwiRail's submission in part but recommends an amendment to NFL-R4.1(b) to include reference to "infrastructure", which would include rail infrastructure.</p> <p>NFL-R4 Earthworks</p> <p>ONL and ONF outside the coastal environment</p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The earthworks complies with NFL-S4 Earthworks; or</p> <p>b. The earthworks is for the <u>operation, repair or</u> maintenance of <u>the following activities where they have been</u> lawfully established:</p> <p>i. roads,</p> <p>ii. fences,</p> <p>iii. utility connections,</p> <p>iv. parking areas,</p>	<p>The rule appropriately provides a pathway for earthworks in ONF and ONL for certain activities, including for the operation, repair or maintenance of infrastructure. KiwiRail supports NFL-R4.1(b) applying to "infrastructure" more broadly on the basis that this is defined in the Proposed Plan and RMA to include rail infrastructure.</p> <p>KiwiRail also supports, in principle, the permitted activity pathway for earthworks required for the upgrade of regionally significant infrastructure. However, to ensure this adequately captures rail infrastructure, KiwiRail considers this should be amended to refer to "infrastructure" more broadly consistent with sub-clause (b) of the amended rule or the definition of "regionally significant infrastructure is otherwise amended to include rail infrastructure.</p>

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			<p>v. effluent disposal systems,</p> <p>vi. swimming pools,</p> <p>vii. <u>Tracks</u>, driveways, <u>and accessways</u>;</p> <p>viii. <u>Infrastructure walking or cycling tracks, or farm and forestry tracks</u>; or</p> <p><u>c. The earthworks is for:</u></p> <ul style="list-style-type: none"> • <u>The construction of a new fence in an ONL where the purpose of the new fence is to exclude stock and/or pests from the area of indigenous vegetation, provided that the clearance does not exceed 3.5m in width;</u> <u>or</u> • <u>The minor upgrade of regionally significant infrastructure.</u> 	
323.62	NFL-R5 (Maintenance and upgrading of existing network utilities, parks and	KiwiRail supported the retention of NFL-R5 as notified.	<p>The Council Officer has accepted KiwiRail's submission in part and recommends amendments to NFL-R5 to address submission points from other submitters. The recommended amendments are:</p> <p>NFL-R5 <u>Additions and alterations to Maintenance and upgrading of existing</u></p>	<p>KiwiRail does not support the Council Officer's recommendations to limit the application of this rule to "additions" and "alterations". The maintenance and upgrading of infrastructure should be a permitted activity to better align with the direction of the National Policy Statement for Infrastructure ("NPS-</p>

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	community infrastructure)		<p>network utilities, parks and community infrastructure</p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The activity complies with the following standards:</p> <p>i. NFL-S1 Building and Structure Height;</p> <p>ii. NFL-S2 Gross Floor Area;</p> <p>iii. NFL-S3 Exterior Colour and Reflectivity;</p> <p>and</p> <p>iv. NFL-S6 Minor Upgrading.</p> <p>b. The addition or alteration:</p> <p>i. Does not exceed 20% of the gross floor area of the existing building or structure; or</p> <p>ii. Complies with NFL-S2 Gross Floor Area;</p> <p>and</p> <p>c. The height of the addition or alteration:</p> <p>i. Does not exceed the height of the existing building or structure above ground level; or</p> <p>ii. Complies with NFL-S1 Building and Structure Height.</p> <p>[...]</p>	<p>I"). In particular, the Policy 8 of the NPS-I requires decision-makers to enable the efficient operation and maintenance and minor upgrade of existing infrastructure, provided that, where practicable, adverse effects are avoided, remedied or mitigated. Further, Policy 9 directs that decision makers must enable new infrastructure or major upgrades of existing infrastructure activities in all environments. KiwiRail is concerned that the amendments limit the application of the rule to unnecessarily constrain the maintenance and upgrading of existing infrastructure and that this would not give effect to the direction in the NPS-I. KiwiRail continues to seek the rule is retained as notified.</p> <p>KiwiRail does however support the clarification that the activity for non-compliance is restricted discretionary.</p>

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			<p>3. Activity status when compliance not achieved: <u>Restricted</u> discretionary</p> <p>4. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The matters in NFL-P6; and b. The positive effects of the activity. 	