

21 October 2024

Independent Hearings Panel
Proposed Waitomo District Plan
Waitomo District Council
PO Box 404
Te Kūiti 3941

By email to: districtplan@waitomo.govt.nz

Dear Commissioners,

Proposed Waitomo District Plan – Tranche 2 – 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.

KiwiRail made a submission on the Proposed Waitomo District Plan (**Proposed Plan**) on 23 December 2022. Two of KiwiRail's submission points have been allocated to the Ecosystems and Indigenous Biodiversity (**EIB**) chapter which is being addressed within the Tranche 2 hearings.

The Section 42A Report author for the EIB chapter (Ms O'Callaghan) recommends that one KiwiRail submission point be rejected.¹ KiwiRail sought to include the term "railways" in Policy ECO-P3 (regarding permitted and lawfully established activities in Significant Natural Areas (**SNA**)). Ms O'Callaghan noted several submitters sought to add specific reference in ECO-P3 to activities which are permitted by Rules ECO-R1 – ECO-R13.² However, instead of including these activities in the list of permitted activities in ECO-P3, Ms O'Callaghan recommended an amendment to ECO-P3 to include cross-referencing to Rules ECO-R1 – ECO-R13.³

Of the rules cross-referenced in ECO-P3, Rule ECO-R5 permits the trimming, pruning or removal of indigenous vegetation for maintenance purposes of roads and other structures, but does not refer to the rail corridor. None of the other rules that are now referenced in the recommended amended wording for ECO-P3 (ECO-R1 – ECO-R13) relate to the rail corridor. As a result of Ms O'Callaghan's recommendation to reject KiwiRail's relief on ECO-P3, KiwiRail seeks a consequential amendment to ECO-R5 to include reference to "railways" as follows (amendment shown in underline):

For maintenance purposes on or within 2 m of existing roads, railways, driveways, tracks, fences or water intake/discharge structures.

The rationale for allowing trimming, pruning or removal of indigenous vegetation for maintenance purposes on or within 2 metres of existing roads, driveways, tracks, fences or water intake / discharge structures, equally applies to the railway. Amending ECO-R5 to include railways is important to ensure KiwiRail can undertake trimming, pruning or removal of indigenous vegetation necessary for maintenance of the railway.

¹ Submission point 51.36.

² Section 42A Report – Topic: Ecosystems and Indigenous Biodiversity prepared by Cathy O'Callaghan dated 20 September 2024 at [87].

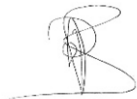
³ Section 42A Report – Topic: Ecosystems and Indigenous Biodiversity prepared by Cathy O'Callaghan dated 20 September 2024 at [88].



KiwiRail also sought to amend the planning maps to remove the Schedule 6 SNA overlay from its railway designation.⁴ Ms O'Callaghan noted that submission points requesting the removal of, alteration to, or addition of an SNA have been referred to an ecologist for assessment and does not comment on them further.⁵ KiwiRail accepts this relief will be addressed at a later stage of the Proposed Plan hearings.

At this stage, KiwiRail intends to file evidence on the remaining Tranche 2 hearing topics (other than the EIB chapter) on 4 November 2024 and appear at the hearing on 27 November 2024. I will be available to answer any questions from the Hearings Panel regarding this letter at the hearing.

Yours faithfully,

A handwritten signature in black ink, appearing to be "Pam Butler", written over a faint circular stamp or watermark.

Pam Butler

Senior RMA Advisor

KiwiRail Holdings Limited

⁴ Submission point 51.51.

⁵ Section 42A Report – Topic: Ecosystems and Indigenous Biodiversity prepared by Cathy O'Callaghan dated 20 September 2024 at [180].

