

21 March 2016

Proposed West Coast Regional Coastal Plan
West Coast Regional Council
PO Box 56
GREYMOUTH 7840

By email to: rcp@wrcr.govt.nz

**SUBMISSION ON PUBLICLY NOTIFIED DRAFT PROPOSAL FOR PLAN CHANGE OR
VARIATION (FORM 5)
Proposed West Coast Regional Coastal Plan**

NAME OF SUBMITTER: KiwiRail Holdings Limited (KiwiRail)
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Attention: Rebecca Beals

KiwiRail Submission on Proposed West Coast Regional Coastal Plan

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 Holdings Limited is also the Requiring Authority for land designated “Railway Purposes” (or similar) in District Plans throughout New Zealand. The Midland Line, the Hokitika Line and the Stillwater-Ngakawau Line are located within the West Coast Region, however only the Hokitika and Stillwater-Ngakawau Lines have assets that are impacted upon by the Proposed West Coast Regional Coastal Plan.

KiwiRail’s comments on the Proposed West Coast Regional Coastal Plan are set out in the attached table. Insertions we wish to make are marked in **bold** and **underlined**, while recommended deletions are shown as ~~struck-out~~ text.

KiwiRail could not gain an advantage in trade competition through this submission.

KiwiRail does wish to speak to our submission, and are also happy to provide any further detail should this be required by Council in relation to the matters raised in this submission.

Regards,



Rebecca Beals
Senior RMA Advisor
KiwiRail

Submission Number	Proposed Amendment	Support/Oppose/Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
Chapter 3: Natural and Human Use Values				
1.	Policy 3.3.1	Support	That positive effects from the use and development of the coastal marine area is recognised, specifically in relation to infrastructure and the social, economic and cultural benefits this can generate, is supported by KiwiRail. KiwiRail further support that this includes recognising the community benefits at both the regional and national level arising from infrastructure.	Retain as notified.
2.	Policy 3.3.2	Support	KiwiRail support that there is recognition proposed through policy of the functional need for some activities to locate within the coastal marine area. While much of the rail corridor is outside the marine environment, there are a number of bridges that cross watercourses within what is the defined as the marine environment. The physical ability to relocate these is limited. Further, any works to these structures to ensure their structural integrity and the continued safe operation of the rail network, by default will occur within the coastal environment and this is unable to be avoided.	Retain as notified.
3.	Policy 3.3.4	Support	KiwiRail support the specific recognition that some activities can have a no more than minor effect on the environment, and therefore are able to be provided for as a permitted activity.	Retain as notified.
4.	Policy 3.3.4	Support	KiwiRail support this policy, specifically clause 1(d) and (e) of the policy, whereby adverse effects on existing public access to and along the coastal marine area and on existing lawful uses are to be avoided as a preference. Recognition of the nature of existing public access is submitted by KiwiRail as being important. The rail network is not publicly accessible, and therefore there is already a public access impediment where the rail network crosses watercourses located within the coastal environment. This is for safety reasons. The policy as proposed enables that existing restriction to be considered. Further, the rail network is an existing lawful use and considering the effects of works proposed by KiwiRail, but also those proposed by other parties and the impacts that will have on the rail network, is supported.	Retain as notified.
5.	Policy 3.3.7(1)(f)	Support	In managing the effects of activities on the environment, KiwiRail support that the adverse effects from that activity on infrastructure are to be avoided, remedied or mitigated.	Retain as notified.
6.	Policy 3.3.8(a)	Support	KiwiRail support that the degree of modification of the surrounding environment is identified as a relevant factor in considering the effects of an activity within the coastal environment. For KiwiRail the rail is an existing asset, thereby the works anticipated are likely to be within the existing corridor, or very close to it, thereby being within an environment that is to some extent already modified.	Retain as notified.
Chapter 4: Public Access and Occupation of Space				
7.	Objective 4.2.1	Support	KiwiRail support that existing impediments to public access can be for health and safety reasons, and that these are recognised in relation to public access along the coastal marine area. The rail network is not available for public access for health and safety reasons, therefore consideration of that is fundamental for KiwiRail when going through the RMA process in relation to works on the network.	Retain as notified.

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8.	Policy 4.3.1(a)	Seek Amendment	<p>KiwiRail support that public access to the coastal marine area is to only be restricted in certain circumstances, however the clause as currently worded restricts that to consented activities.</p> <p>The rail corridor has been in place for a very long time, and is covered by a designation. The majority of bridges hold resource consents where these are required. However some activities will have been undertaken as permitted activities, thereby not requiring consent. KiwiRail would prefer that the provisions is altered to reflect lawful activities, rather than consented activities.</p>	<p>Amend as proposed:</p> <p><i>4.3.1 Public access along the coastal marine area will only be restricted where necessary:</i> <i>(a) for health and safety reasons in relation to a consented lawful activity</i></p>
Chapter 5: Structures				
9.	Objective 5.2.1	Support	<p>That there is specific provision providing for structures within the coastal marine area is supported by KiwiRail.</p> <p>The rail corridor is not easily relocated, therefore there is a necessity that KiwiRail cannot avoid for structures to be located within the coastal marine area. Recognition of the practicality of that is appreciated.</p>	Retain as notified.
10.	Policy 5.3.1	Support	<p>KiwiRail support that the policy seeks to enable construction, operation, repair, maintenance, reconstruction or alteration of structures, while ensuring that adverse effects are avoided, remedied or mitigated in relation to the listed effects.</p>	Retain as notified.
11.	Policy 5.3.2	Support	<p>KiwiRail support that Policy 5.3.2 is to be retained within the Proposed Coastal Plan, in relation to structures being required to be maintained in a structurally sound state and blend as far as practicable with the adjoining landscape.</p>	Retain as notified.
Chapter 6: Disturbance, Extraction/Removal, Deposition, Reclamation				
12.	Objective 6.2.1	Support	<p>KiwiRail support that there is specific provision enabling disturbance, extraction, removal of natural material, deposition and reclamation in the coastal marine area, where adverse effects are managed.</p> <p>The rail infrastructure in the coastal marine area can be susceptible to storm events requiring works to clear debris and also to protect the asset itself. In addition, regular maintenance works are required also to ensure the safe and efficient operation of the rail network. KiwiRail support these being facilitated.</p>	Retain as notified.
13.	Policy 6.3.3(b) and (c)	Support	<p>The policy outlines specific considerations to support resource consent applications and the determination of whether elements can avoid, remedy or mitigate adverse effects. Further, the wording specifically references 'may' therefore enabling a discretion as to what from the identified options is relevant to each proposal. KiwiRail support that this includes location, duration and industry best practice guidelines. In many instances the work KiwiRail undertake is short term maintenance or construction works, not on going continual operations in relation to disturbance, removal of material or deposition of material.</p>	Retain as notified.
14.	Policy 6.3.4	Seek Amendment	<p>KiwiRail support that there are specific matters to consider in relation to gravel extraction resource consent applications outlined. However KiwiRail note that no consideration to positive effects or the purpose of the works is provided for within the policy direction as well as the duration.</p> <p>For KiwiRail, gravel extraction would occur to address any risk issues with a</p>	<p>Amend as follows:</p> <p><i>6.3.4 When processing a resource consent application to extract gravel from a river bed in the coastal marine area, consider:</i> <i>(a) The capacity of rivers to carry flood flows;</i> <i>(b) The sustainable yield of the river system;</i></p>

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			<p>structure and to ensure the safe and efficient operation of the rail network, being identified as regionally significant infrastructure. These works are short term and one off works, rather than enduring works. Such works have the potential to require consent, noting the distinction between disturbance and gravel extraction, and also between extraction works located in the dry part of the riverbed and within the wetted channel within the rule framework.</p> <p>The Explanation below the policy discusses gravel build up and the effect this may have on infrastructure, and that the hazard may be avoided or mitigated by the removal of the material, however there appears to be no corresponding consideration in the policy itself.</p>	<p>(c) Adverse effects on bed levels and channel location; (d) Adverse effects on riverbank stability and riverbank vegetation; (e) Adverse effects on Poutini Ngāi Tahu values; (f) Navigation safety; (g) Fish passage; (h) Potential spread of pest plants and invasive, aquatic micro-algae; <u>(i) Any positive effects in relation to regionally significant infrastructure;</u> <u>(j) The duration of the activity.</u></p>
Chapter 7: Vegetation Removal and Planting				
15.	Policy 7.3.1(1)(e)	Support	The policy seeks to manage vegetation removal within the coastal marine area to avoid, remedy or mitigate adverse effects on the integrity of property or structures. This is supported by KiwiRail	Retain as notified.
Chapter 8: Discharges				
16.	Policy 8.3.2	Seek Amendment	<p>While the policy sets out criteria to be had regard to when considering applications for discharge in the coastal marine area, there is no consideration proposed in relation to the duration of the discharge and the purpose of it, i.e. that arising from works in relation to regionally strategic infrastructure and only temporary in nature. KiwiRail would support amendment to the policy to ensure that these elements were also able to be considered.</p> <p>While there is a permitted activity rule in relation to discharges for aspects such as maintenance works, it is possible that the permitted standard setting out that this occur for no more than 10 days may be breached, depending on the scale of the works. In that event consent will be required. Such a consent may seek that the works occur for 12 or 14 days, therefore the duration of the discharge becomes relevant for the consideration of the application.</p>	<p>Amend as follows:</p> <p><i>8.3.2 When considering applications for resource consent to discharge contaminants to the coastal marine area, have regard to:</i></p> <p>(a) Whether adverse effects of the discharge on any estuary, lagoon, or intertidal area can be shown to be minor; (b) Poutini Ngāi Tahu values and the effects of the discharge on those values; (c) The financial implications, and the effects on the environment, of the proposed method of discharge when compared with other methods; (d) The current environmental mitigation technology and the likelihood that the proposed method can be successfully applied; (e) Alternative sites for the discharge within and outside the coastal marine area, and whether the adverse effects would be greater or lesser than the proposed site; (f) The matters identified in Policies 8.3.1, 3.3.5, 3.3.6, and 3.3.7; (g) An appropriate standard of water quality for the receiving waters; (h) The best practicable option for the treatment and disposal of human sewage wastewater, including the use of land disposal or wetland treatment <u>(i) The duration of the discharge;</u> <u>(j) The nature of the works giving rise to the discharge.</u></p>
Chapter 9: Taking, Use, Damming or Diversion				
17.	Objective 9.2.1	Support	<p>The Objective setting out that consideration of the appropriateness of the take, use, dam and divert in relation to coastal water is required, is supported by KiwiRail.</p> <p>KiwiRail particularly support the Explanation recognition that these is often required to erect and maintain structures such as bridges and culverts that provide for infrastructure.</p>	Retain as notified.
Chapter 12: Rules				
18.	Rule 1	Seek Amendment	<p>While KiwiRail support provision of public access, there are instances where this is already restricted, and the policy as proposed does not appear to only relate to existing public access situations.</p> <p>Where there is an existing restriction for safety purposes, this should not be an element that requires consent, particularly if the restriction is required for more than 3 days in any 6 month period, as would likely arise with maintenance works.</p>	<p>Amend as follows:</p> <p><i>Rule 1 Temporary occupation of the coastal marine area Any event which restricts or excludes existing public access within the foreshore, including military exercises, is a permitted activity provided that all of the following conditions are met: ...</i></p>

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19.	Rule 7	Seek Amendment	<p>KiwiRail support the rule and the intention it provides, however question how the conditions listed are appropriate for the maintenance of an existing bridge, culvert and ford, when some relate to elements that would more appropriately only be considered during construction, e.g. if it's an existing bridge being maintained, clause (d) requires that the underside of the bridge is at least 600mm above the level of the rivers natural bank level. In the event that the bridge is below that, the rule would require consent to be obtained for maintenance, yet the effect of the reduced clearance is not generally altered by maintenance activities. This effect would however be relevant to the erection or placement of a new bridge, which the rule also seeks to provide for.</p> <p>There is also some uncertainty as to the difference intended between the maintenance aspect of Rule 7 and that under Rule 10. Both appear to relate to structures, with one spelling out the specific structures and the other not. While there are some subtleties in wording such as 'lawfully existing' under Rule 10, the rules both seem to ultimately provide for the same thing. Removing maintenance from Rule 7 would result in all maintenance for structures being addressed under Rule 10 and provide for greater certainty as to which rule is required to be relied upon for that activity.</p>	<p>Amend as follows:</p> <p><i>Rule 7 Culverts, fords, and bridges in riverbeds</i> <i>The erection or placement, and maintenance of a culvert, ford or bridge, in, on, under, or over the bed of a river, and associated disturbance, in the coastal marine area, is a permitted activity provided that all of the following conditions are met: ...</i></p>
20.	Rule 10	Support	<p>KiwiRail support the rule permitting maintenance and disturbance activities associated with lawfully existing structures.</p> <p>The wording proposed specifically reflects that some structures may be permitted and therefore not require consent, however are still lawful and may require maintenance. This is the intention sought to be reflected through the change proposed to Policy 4.3.1(a) in this submission.</p>	Retain as notified.
21.	Rule 15	Seek Amendment	<p>KiwiRail support that the small scale removal of natural material is a permitted activity, subject to standards. The provisions however seek that the removal not occur within 20 metres of an existing structure. In the event that KiwiRail seek to undertake the small scale removal of material, it is likely to be within 20m of the structure.</p> <p>KiwiRail therefore seek that the rule be amended to exempt works within 20m of a structure where undertaken by the owner of that structure.</p>	<p>Amend as follows:</p> <p><i>Rule 15 Small-scale removal of natural material</i> <i>Except for driftwood, and gravel extraction under Rules 16 and 24, the removal of sand, shingle, stones, or other natural material, from the coastal marine area is a permitted activity provided that all of the following conditions are met:</i> <i>(a) No more than 1 cubic metre of material in total is removed by any single person in any 12 month period;</i> <i>(b) The removal does not occur within:</i> <i>i) A Coastal Hazard Area, or within 50 metres of any Coastal Hazard Area identified in Schedule 3C;</i> <i>ii) Any estuary or lagoon;</i> <i>iii) 20 metres of an existing structure except where undertaken by the owner of that structure;</i> <i>iv) 3 metres of the toe of dune embankments where these are below the Mean High Water Spring mark; ...</i></p>
22.	Rule 18	Support	<p>KiwiRail support that the removal of debris is a permitted activity, subject to standards.</p> <p>The removal of debris, particularly following storm events, is fundamental to ensure the ongoing structural integrity of structures, and thereby the safety of the rail network.</p>	Retain as notified.

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23.	Rule 21	Seek Amendment	<p>KiwiRail support that the ability to undertake geotechnical investigations in watercourses within the coastal marine area is a permitted activity, subject to standards. The standards proposed include standards in relation to diversion and damming.</p> <p>In order to practically undertake the investigations, a temporary and often partial dam / divert scenario is required. The standards do not enable partial or temporary damming and diversion, and therefore KiwiRail seek that the standards be changed to clarify that short term temporary damming and diversions may be acceptable.</p>	<p>Amend as follows:</p> <p><i>Rule 21 Temporary geotechnical testing in riverbeds</i> <i>The disturbance of a riverbed in the coastal marine area for temporary geotechnical testing is a permitted activity provided that all of the following conditions are met:</i> <i>(a) The activity does not cause or contribute to the following:</i> <i>(i) Diversion of the natural course of a river following completion of the works;</i> <i>(ii) Blocking or damming of any river for a period longer than required to undertake the testing, or the impedance of fish passage;</i> <i>(iii) Erosion or scouring of any riverbed, riverbank, beach dune, or the foreshore; ...</i></p>
24.	Rule 24	Support	KiwiRail support that gravel extraction from within the dry part of a riverbed is a Restricted Discretionary Activity.	Retain as notified
25.	Rule 27	Seek Amendment	KiwiRail support that vegetation disturbance associated with permitted structure, disturbance and diversion activities, is a permitted activity. However to avoid uncertainty, KiwiRail seek that the rule wording be clarified that the works undertaken as part of the maintenance of a structure under Rule 10, rather than the installation of the structure itself which could be permitted by Rule 7, are also permitted.	<p>Amend as follows:</p> <p><i>Vegetation disturbance in the coastal marine area associated with permitted structure, maintenance, disturbance, or diversion activities, is a permitted activity provided that all of the following conditions are met: ...</i></p>
26.	Rule 34	Support	That the incidental discharge of contaminants from the undertaking of maintenance works on structures is a permitted activity, is supported by KiwiRail.	Retain as notified.
27.	Rule 40	Support	As with the incidental discharge under Rule 34, KiwiRail support that the temporary taking or diversion of water in relation to maintenance works on existing structures is a permitted activity, subject to standards.	Retain as notified.
28.	Rule 41	Support	The recognition that structures can result in a permanent diversion of water and that this is provided for as a permitted activity is supported.	Retain as notified.
Chapter 16: Glossary				
29.	Alteration	Support	KiwiRail support the alteration definition proposed.	Retain as notified
30.	Maintenance	Support	The definition proposed for maintenance is supported.	Retain as notified.
31.	Regionally Significant Infrastructure, point iii	Support	KiwiRail support that the definition proposed for Regionally Significant Infrastructure, particularly point iii, includes the rail network.	Retain as notified.