

Form 5 Submission on notified proposal for policy statement or plan,
change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Whakatāne District Council

Name of submitter: KiwiRail Holdings Limited

This is a submission on the following change proposed to the plan:

Whakatāne District Plan - Plan Change 1: Awatarariki Fanhead, Matatā

Trade Competition

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

1. The specific provisions of the proposal that KiwiRail's submission relates to are:

KiwiRail **opposes in part** proposed Rule 18.2.6.3 (c).

KiwiRail's submission is:

PC1 provides for the ongoing use and maintenance of network utilities through the Awatarariki fan head area as a permitted activity. Rule 18.2.6.3 provides for the upgrading and maintenance of existing network utility and related structures, and this is supported by KiwiRail. However, the Rule appears to restrict network utility works in clause (c) to those *'in a public place'*. While network utilities are often located in/on Council or government managed land which could be viewed as public, the railway corridor is not usually referred to as a public place, nor does the clause cover privately owned sites; which can sometimes host utility and council conduits and pipes. The maintenance and operation of existing utilities on all land should be enabled to retain connections of benefit to the community.

I seek the following decision from the local authority:

Amend Rule 18.2.6.3 clause (c) by **deleting** the words *'in a public place'* from the end of the clause.

2. The specific provisions of the proposal that KiwiRail's submission relates to are:

KiwiRail **opposes in part** proposed Rule 18.2.6.6(c)

KiwiRail's submission is:

PC1 provides for the ongoing use and maintenance of network utilities through the Awatarariki fan head area as a permitted activity. Rule 18.2.6.6 provides for the upgrading and maintenance of existing network utility and related structures, and this is supported by KiwiRail. However, the Rule appears to restrict network utility works in clause (c) to those *'in a public place'*. While network utilities are often located in/on Council owned or government managed land which could be viewed as public, the railway corridor is not usually referred to as a public place, nor does the clause cover privately owned sites which can sometimes host

utility and council conduits and pipes. The maintenance and operation of existing utilities on all land should be enabled to retain connections of benefit to the community.

I seek the following decision from the local authority:

Amend Rule 18.2.6.6(c) by **deleting** the words '*in a public place*' from the end of the clause.

3. The specific provisions of the proposal that KiwiRail's submission relates to are:


KiwiRail **supports** proposed Rule 18.2.6.3 (e).

KiwiRail's submission is:

PC1 provides for the ongoing use and maintenance of network utilities through the Awatarariki fan head area and this is supported. Rule 18.2.6.3(e) provides for the upgrading and maintenance of existing network utility and related structures.

I seek the following decision from the local authority:

Retain Rule 18.2.6.3 (e) as notified.



Signature of submitter (or person authorised to sign on behalf of submitter)

Date: 14 September 2018

Contact Details

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