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18 April 2018

Chief Executive  
Bay of Plenty Regional Council  
PO Box 364  
Whakatāne 3158

Attn: Trish Peers-Adams

**By email to:** [air@boprc.govt.nz](mailto:air@boprc.govt.nz)

## **SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR PLAN, CHANGE OR VARIATION (FORM 5)**

### **Proposed Bay of Plenty Regional Council Plan Change 13 – Air Quality**

#### **NAME OF SUBMITTER:**

KiwiRail Holdings Limited (KiwiRail)

#### **ADDRESS FOR SERVICE:**

Wellington Railway Station  
Bunny Street  
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#### **Submission**

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. Rail corridors are recognised as being regionally and nationally significant infrastructure.

KiwiRail has both operational and unused railway lines in the Bay of Plenty region. The East Coast Main Trunk (ECMT) and the Mt Maunganui Branch line are of regional and national importance as the main line to the Port of Tauranga, and through to Kawerau. In addition, the Murupara Branch (currently used for logging) and the Taneatua Branch (to Awakeri) are also strategic corridors. The Rotorua Branch Line is retained as a strategic rail corridor.

KiwiRail anticipates that rail freight traffic will double within the region over the next 10-20 years and ongoing maintenance will be required to existing lines to retain and increase

capacity. This includes works to structures (abrasive blasting) and track infrastructure (i.e. ballast cleaning and raw material movements in and out of the corridor). These activities occur throughout the region and over waterways and across and adjacent to the coast. KiwiRail has a keen interest in ensuring the ability to continue to operate on and maintain the railway network under the Proposed Air Quality provisions. It is noted that KiwiRail's operations are largely facilitated by the proposed Plan Change.

KiwiRail's submissions on the Plan Change 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. All requested changes include any consequential changes to the Plan to accommodate the requested change in the stated, or alternate, location.

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

KiwiRail wishes to speak to our submission and will consider presenting a joint case at the hearing with other parties who have a similar submission.

Regards

A handwritten signature in black ink, appearing to be 'Pam Butler', written over a horizontal line.

Pam Butler  
**Senior RMA Advisor**  
**KiwiRail**

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Submission Number	Proposed Amendment	Support/Oppose/Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
1.	AQ, Air Quality Policies Policy AQ P1	Support	Ensuring that water, air and soil quality are not adversely affected through the setting of appropriate standards for permitted activities is supported. Allowing those discharges where any effects can be suitably managed is supported. Kiwirail supports the policy and its references to deploying the 'best practicable option'. Further, in clause (e) the policy recognizes that discharges within property boundaries which do not impact on adjacent activities do not require specific management.	Retain provision
2.	Policy AQ P3	Support	Kiwirail routinely controls pest plant and maintains its track infrastructure through vegetation management, which at times includes spraying with agrichemicals. Kiwirail supports the provision of the permitted activity status, subject to standards.	Retain provision
3.	Policy AQ P8	Support	Kiwirail's Industrial and Trade Premises (ITPs) can be large sites upon which a variety of activities are carried out. Some of these activities are permitted by other Plan rules i.e. site remediation, boilers/solid fuel burners, agrichemical spraying, within permitted standards. It is noted that the intention of Rule AQ R1 is to provide for complying discharges from an ITP.	Retain provision
<b>Rules</b>				
4.	AQ R1: General activities permitted	Amend	Other miscellaneous potential activities which may create air discharges are permitted subject to standards and this is supported. The Bay of Plenty is part of the economic 'Golden Triangle' and railway traffic plays an important role in this. The region experiences frequent train movements as goods move within it, and inter-regionally. The heading 'Vehicles and Roads - Permitted' may create uncertainty about whether rail vehicles are covered. The word 'vehicles' is not defined in the Plan Change nor in the EBOP Regional Natural Resources Plan but it is italicised and possibly refers to the Land Transport Act 1998. However, in this Act 'rail vehicles' are specifically excluded from the definition of 'vehicle', but are defined as 'rail vehicles'. Other Acts could contain a more inclusive definition of 'vehicle' and clarification is sought on which is used in this context. Provision for rail vehicles should be added to the Rule to remove any ambiguity.	Retain the provision for any discharges from Industrial Trade Premises to continue to be permitted where they comply with 'any other rule' in the regional plan.
5.	AQ R3 Miscellaneous discharges permitted	Support		Retain provision
6.	AQ R4 Vehicles and roads - Permitted	Support and amend		Retain Rule and alter to read: <i>The discharge of contaminants to air from:</i> <b>(a) Any internal combustion engine used to power vehicles (including rail vehicles and aircraft (but not ships) is a permitted activity.....</b>
7.	AQ R17 Abrasive blasting permitted	Support	Some rail structures are large and difficult to access and/or encapsulate. The permitted activity rule provides for industry best practice to be deployed to achieve permitted status to carry out maintenance of these structures.	Retain provision

