

# Additional Topic<sup>1</sup> Allocation Form

<b>Submitter name</b>	KiwiRail Holdings Limited
<b>Submission number</b>	2069
<b>Further submission number</b>	N/A
<b>Date</b>	5 May 2023

This form is to be completed by submitters who wish to have their submissions allocated to additional hearing topics. Please use the [Guide to creating topic and subtopic parties lists](#) to determine your current hearing topics.

You must send your Additional Topic Allocation Form (Form) to the Hearing Advisor [npsudhearings@aucklandcouncil.govt.nz](mailto:npsudhearings@aucklandcouncil.govt.nz), as soon as possible or no later than 10 working days before the council's evidence is due.

On receipt of your Form, the Independent Hearing Panel (IHP) chair will determine whether to allow the request.

The IHP will make all Forms and its decision available on the Independent Hearing Panel webpage.

Note: Submitters will retain allocation of original hearing topics whether or not the chair grants the request.

## Additional Topic Allocation Criteria

The allocation request will only be permitted where:

- The primary submission is directly 'on' the requested topic, or if indirectly 'on' the requested topic reasons are to be provided why the additional allocation should be granted.
- The requested topic has not already been heard.
- The request is received no later than 10 working days prior to the council evidence exchange for the hearing topic (generally 25 working days before the hearing)
- The decision is consistent with the principles set out in [IHP Hearing Procedures](#) document dated December 2022 and any other Panel document.

*Please complete the table(s) below:*

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<sup>1</sup> Topic in this context means topic or subtopic depending on specificity of the request.

## Request 1


Submission point number (if any)	2069.1
Requested topic allocation	009 Qualifying Matters
Requested subtopic allocation	Designations
Reasons	<p>KiwiRail has supported the Council's identification of the railway corridor (as captured within the designations held by KiwiRail across Auckland) as a qualifying matter under s771(e) and s770(e) of the Resource Management Act 1991.</p> <p>Given this qualifying matter clearly applies to and adopts KiwiRail's designation as a QM for the purposes of the IPI, KiwiRail clearly has interests in the Designation topic, and the issues raised by parties which would seek to remove or limit the application of this QM to KiwiRail's designation. The agenda for the initial mediation on designations reflects this, which commentary that KiwiRail has submission points on its designation as a qualifying matter. Auckland Council planners have confirmed they expect KiwiRail would attend the mediations for this reason.</p> <p>KiwiRail does not seek that this submission point is "unallocated" from the Strategic Transport Corridors topic, but rather the allocation is added in addition.</p>
Text of submission 'on' the topic	<p>Refer to KiwiRail's Submission on Proposed Plan Change 78 – Intensification to the Auckland Unitary Plan. Eg paragraph 3 provides:  <i>"The relief KiwiRail seeks is set out at Annexure A. In summary, KiwiRail supports the Council's identification of the rail corridor as a qualifying matter pursuant to s771(e) and s770(e) of the Resource Management Act 1991 (RMA), [...]"</i></p>

## Request 2

Submission point	2069.2 – 2069.24
Requested topic allocation	013 Qualifying Matters
Requested subtopic allocation	Additional
Reasons	<p>Consequential to its main submission point seeking protection of the rail corridor as a qualifying matter, KiwiRail seeks additional application of this qualifying matter through 77I and 80E amendments. This is specifically through amendment of the MDRS in respect of setbacks so that new structures are set back 5m rather than 1m from the rail corridor, and through the incorporation of noise and vibration standards to the permitted activity rules as a related provision consequential to manage the effects of the new intensification enabled by the MDRS.</p> <p>This application of the QM are additional to those originally propose by Council. KiwiRail therefore submits it is appropriate that these submission points are coded to this "Additional" subtopic.</p>

Text of submission 'on' the topic	Refer generally to KiwiRail's submission where at paragraph 3 the changes sought are summarised as: <i>"The relief KiwiRail seeks is set out at Annexure A. In summary, KiwiRail supports the Council's identification of the rail corridor as a qualifying matter pursuant to s771(e) and s770(e) of the Resource Management Act 1991 (RMA), but seeks that PC 78 be amended to include provisions to protect the safety and efficiency of its operations by applying: (a) a 5m setback permitted activity standard be applied to all buildings and structures on all sites adjoining the rail corridor; (b) a noise permitted activity standard requiring acoustic insulation and ventilation apply to all new and altered activities sensitive to noise within 100m of the rail corridor; and (c) a vibration attenuation permitted activity standard apply to new and altered activities sensitive to noise within 60m of the rail corridor."</i>
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You are welcome to attach additional pages if more space is required.

Panel Decision – if granted in part, please specify below.			
Granted <input checked="" type="checkbox"/>	Declined <input type="checkbox"/>	Date: 8 May 2023	Signature: 

Reason:

The requested topics have not been heard. The request was received more than 10 working days prior to the council's exchange of evidence.

**Request 1 is Granted** submission point 2069.1 is additionally allocated to topic 009Q Qualifying Matters A-I: Designations as it is 'on' the topic. The submission point clearly supports the identification of designations as a qualifying matter, Topic 009Q addresses this matter.

**Request 2 is Granted** submission points 2069.2 – 2069.24 are additionally allocated to Topic 013 Qualifying Matters (Additional) as they are 'on' the topic. KiwiRail's submission seeks to introduce new provisions for properties within certain distances of the rail corridor, modifying MDRS and Policy 3 intensification requirements. As the requester identifies, this is beyond the Council proposed designation qualifying matter and could correspond to a new qualifying matter. Therefore, it is 'on' Topic 013 Qualifying Matters (Additional) as that topic directly addresses new, submitter proposed qualifying matters.