

13 March 2020

Biodiversity Team
Ministry for the Environment
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By email to: indigenusbiodiversity@mfe.govt.nz

KiwiRail Feedback on National Policy Statement: 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 some 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.

As a mode of transport, rail produces 66% less emissions than trucks to move the same volume of freight across the transport network. The natural advantage of rail as an energy efficient, and low carbon mode of transport provides significant opportunity for New Zealand in the transition to a low emissions future. Providing for efficient and effective public transport is also vital to planning for successful cities and passenger rail transport is a vital element of this. KiwiRail seeks to protect its ability to operate, maintain, and upgrade the rail network to ensure that this network can keep pace with, and grow to cater for, future rail demand.

To achieve this, KiwiRail encourages land uses near the railway corridor that does not compromise the short or long-term ability to operate a safe and efficient rail network, both day and night. The rail network crosses watercourses and through many urban and rural landscapes, given its long linear network connecting centres around New Zealand. Detours to avoid such environments are not always practicable. Over time, existing infrastructure assets need maintenance, upgrading and replacing – this includes vegetation clearance to provide a safe and efficient rail operation, and replacing structures in and over freshwater which also involve vegetation clearance works.



KiwiRail is a signatory to a joint submission from a number of Infrastructure providers which raises some strategic concerns in relation to this NPS-IB which are jointly held, with this submission now focuses on the detail of the NPS-IB and expands on the strategic concerns raised in the joint submission in a rail context.

KiwiRail's feedback on the applicable questions provided on the NPS-IB and in the Discussion Document, are set out in the following table. Some of the questions within the consultation document are on areas that have no specific relevance to KiwiRail in seeking to operate, maintain and enhance the rail network, therefore we have remained silent on those aspects and excluded the questions from the table.

KiwiRail is available to meet with the Ministry to discuss any elements of the feedback provided within this table, and to provide any clarification that may assist in decisions on the changes requested.

Regards,

A handwritten signature in blue ink, appearing to read 'Rebecca Beals', with a stylized flourish at the end.

Rebecca Beals
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KiwiRail

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Questions – Introduction

- 1 Do you agree a National Policy Statement for Indigenous Biodiversity (NPSIB) is needed to strengthen requirements for protecting our native plants, animals and ecosystems under the Resource Management Act 1991 (RMA)? Yes/no? Why/why not?*

Consistent provision of, along with interpretation and application of, the policy and rule framework would be supported, including having clear guidance and supporting documentation. Having clear guidance on what is required to meet compliance with rules or gain consent approval would be supported, along with clarity for which responsibilities fall to Regional Councils and which fall to Territorial Authorities. KiwiRail's experience is that each Council tends to interpret provisions differently and to require differing levels of material as part of a consent process. With a national network, KiwiRail would support national consistency.

Further to this, clarity within the NPS-IB on the relationship of this Statement to existing national documents, e.g. the NZ Coastal Policy Statement, is also supported as a means of minimising the potential for future conflict and concern when trying to apply both documents.

- 2 The scope of the proposed NPSIB focuses on the terrestrial environment and the restoration and enhancement of wetlands. Do you think there is a role for the NPSIB within coastal marine and freshwater environments? Yes/no? Why/why not?*

The rail network passes along and over the coastal environment as well as terrestrial environments. Subject to clarity being provided in relation to nationally significant infrastructure and its continued ability to operate and be maintained and upgraded, KiwiRail are not opposed to consistent management of coastal biodiversity and terrestrial biodiversity, however as with the existing provisions of the NPS-IB, these need to be carefully drafted to ensure that conflicting directions with other policy documents such as the NZ Coastal Policy Statement are not created.

- 3 Do you agree with the objectives of the proposed NPSIB? Yes/no? Why/why not? (see Part 2.1 of the proposed NPSIB)*

Adoption of a policy and rule framework that is also supportive of nationally significant infrastructure would be supported.

While the policies may have intended consequences on the protection and/or restoration of ecosystem health, there are conflicts with nationally significant infrastructure and the requirement to maintain and operate this in an efficient manner. Clearer recognition is required of the competing demands of infrastructure and indigenous biodiversity protection overall. Balance is also required in any changes to the RMA as well as any National Policy Statement / National Environmental Standards to ensure that competing demands are appropriately considered, and that these documents are consistent with each other. We note that the recently proposed NPS-FM also addresses wetlands, and therefore careful consideration is required to ensure that the obligations and intentions expressed in one NPS are not hindered from being achieved by

other NPS documents and that each NPS is drafted in a way that enables the appropriate balancing of competing interests.

Questions – Section B

The provisions in Objective 1 of the Proposed NPS-IB seek to ensure no reduction in certain aspects of biodiversity. KiwiRail would support balance being achieved in these provisions. Specific direction that sets a no reduction outcome, has the potential to completely prevent works that provide national benefit. While it may be appropriate to accord high weighting to these values a complete prohibition is not appropriate in a policy level document of this nature and does not achieve the balancing of interests that the Act is intended to provide.

Policy 6 of the NPS-IB seeks to identify and protect SNA's. KiwiRail has a concern with the prescriptive 'protect' language as it may give rise to a potential 'avoid' policy or rule framework in Regional and District Plans, which may restrict the ability to undertake development works at a practical level. A degree of appropriateness should be included within the policy framework.

10 Territorial authorities will need to identify, map and schedule Significant Natural Areas (SNAs) in partnership with tangata whenua, landowners and communities. What logistical issues do you see with mapping SNAs, and what has been limiting this mapping from happening?

Most Territorial Authorities have large district areas, and the resource required to map these can be significant. In the instance of the rail corridor, this is not publicly accessible land for safety reasons, and therefore assumptions may be made which can have adverse impacts on the ability to operate the rail network. Engagement with the landowner and recognition of the land use that occurs on the land is important before mapping or identifying a site as an SNA in order to ensure that practical operations are not impeded.

11 Of the following three options, who do you think should be responsible for identifying, mapping and scheduling of SNAs? Why?

a. territorial authorities

b. regional councils

c. a collaborative exercise between territorial authorities and regional councils.

For ease of achieving national consistency, having these functions lie with the Regional Council may achieve a better outcome, however so long as a consistent approach nationally is adopted, with clear guidelines on identification of what is or isn't an SNA, along with accurate rules to address that – KiwiRail has no opinion on whether this should be Regional or Territorial function, however do believe that the identification should lie with the authority also responsible for management of the indigenous biodiversity function.

12 Do you consider the ecological significance criteria in Appendix 1 of the proposed NPSIB appropriate for identifying SNAs? Yes/no? Why/why not?

KiwiRail supports that certainty is proposed to be provided through Appendix 1, however have a concern that the language is subjective and therefore open to inconsistent interpretation and application. The use of terms such as 'moderate to large size' and 'large numbers' without definition in a quantitative sense, could result in inconsistent identification of SNA's. KiwiRail would support further work being undertaken to provide clarification on the criteria in appendix 1 to ensure national consistency can be achieved when applying them.

13 Do you agree with the principles and approaches territorial authorities must consider when identifying and mapping SNAs? (see Part 3.8(2) of the proposed NPSIB) Yes/no? Why/why not?

KiwiRail agrees that 'partnership' as identified is important, and support that this is identified as the first principle in relation to identifying SNA's. The other principles identified are considered to be appropriate for identifying and mapping SNA's. KiwiRail would support that these are all relevant, and a balancing is provided for or encouraged, and not 'cherry picked' by Council's to use only some when identifying and mapping SNA's.

14 *The NPSIB proposes SNAs are scheduled in a district plan. Which of the following council plans should include SNA schedules? Why?*

- a. *regional policy statement*
- b. *regional plan*
- c. *district plan*
- d. *a combination.*

If SNA's are to be solely the function of Territorial Authorities, then the best place to reflect these is in District Plans. SNA's need to be identified as addressing indigenous biodiversity, rather than other landscapes or values, and therefore nationally consistent with the intentions of the NPS-IB.

17 *Part 3.15 of the proposed NPSIB requires regional councils and territorial authorities to work together to identify and manage highly mobile fauna outside of SNAs. Do you agree with this approach? Yes/no? Why/why not?*

As with previous comments, where there is clear responsibility between both agencies, and therefore no potential overlap or inconsistent approaches, both agencies working together is supported. However in the event that indigenous biodiversity is to fall to one agency to be responsible for, then that agency should be responsible for highly mobile fauna as well.

KiwiRail has a concern with the application of provisions to highly mobile fauna outside SNA's in that it could result in controls of works able to occur based on a previous sighting of the fauna, rather than a current sighting at the time the works are proposed, and also that there could be controls placed on consents enabling works relying on a 'potential' fauna habitat if the site happens to be near to a known habitat. Certainties are important for effective resource management, including cost efficiencies.

Questions – Section C

KiwiRail supports that Objective 6 provides for the recognition of landowners and seeks to ensure that people and communities are enabled to provide for their social, economic and cultural wellbeing now and in the future.

Policy 10 is specifically supported as it seeks to provide for existing activities that have already modified habitats and environments. The existing rail corridor and the operational rail network fall within this category by virtue of the nature of the rail network and its operational constraints. Recognition of the network and the ability to continue to have this provided for is important given the national benefit the rail service provides.

Part 3.7 identifies what local authorities are required to recognise, this includes maintenance of biodiversity, however there is no recognition within this of nationally significant infrastructure or existing uses as anticipated in Policy 10. KiwiRail believes this is a gap and would support the inclusion of a specific reference to Nationally Significant Infrastructure within the framework of elements the local authorities are required to recognise.

20 *Do you agree with the use of the effects management hierarchy as proposed to address adverse effects on indigenous biodiversity instead of the outcomes-based approach recommended by the Biodiversity Collaborative Group? Yes/no? Why/why not?*

KiwiRail supports the effects management hierarchy, however wish to ensure that in the application of this, policies seeking only to 'avoid' are not included as this would not enable a consideration of the hierarchy proposed. Careful articulation of the hierarchy through objective and policy frameworks would therefore be supported.

21 *Are there any other adverse effects that should be added to Part 1.7(4), to be considered within and outside SNAs? Please explain.*

Similar to the policy provisions proposed in the NPS-FM, those in the NPS-IB appear to not require consideration of positive effects. Positive effects are important considerations and often the decision-making process does not take these into account, which is a focus in the recent NPS-UD. The NPS-IB provisions could

be amended to ensure the decision-making process considers all effects – positive and negative, rather than only focusing on negative effects.

22 Do you agree with the distinction between high- and medium-value SNAs as the way to ensure SNAs are protected while providing for new activities? Yes/no/unclear? Please explain. If no, do you have an alternative suggestion?

There is some uncertainty as to how this is to be applied. If one value is high, then whole SNA could become high, with the unintended result of unnecessarily restricting existing or future uses. Further, there is no consideration of the practical ability to provide mitigation and enhance an SNA which may be more readily achievable in a high SNA than in a medium SNA for example.

23 Do you agree with the new activities the proposed NPSIB provides for and the parameters within which they are provided for? (see Part 3.9(2)-(4) of the proposed NPSIB) Yes/no? Why/why not?

Part 3.9(4) outlines activities for which adverse effects on SNA's do not need to be avoided, however there is no clarity that these effects are still to be remedied or mitigated, or off set. This clarity should be provided, particularly with aspects like those effects arising from restoring or enhancing an SNA, if in the event of undertaking such works, if further mitigation was required this could require extensive investment and deter landowners from undertaking such restoration or enhancement in the first place.

KiwiRail supports the intention that Parts 3.9(2) and 3.9(3) provide a more lenient approach for nationally significant infrastructure, however note this only applies to medium-value SNA's.

24 Do you agree with the proposed definition for nationally significant infrastructure? Yes/no? Why/why not?

KiwiRail supports the definition of Nationally Significant Infrastructure as proposed in 1.8 of the NPS-IB – noting that (e) includes any railway.

KiwiRail would support that this term is also specifically referenced in the NPS-IB. Having a definition is submitted as being of little value if the term is not reflected in the document.

26 Do you agree with managing existing activities and land uses, including pastoral farming, proposed in Part 3.12 of the proposed NPSIB? Yes/no? Why/why not?

KiwiRail supports the intention in Section C.4 of the Discussion Document and 3.12 of the NPS-IB, namely that existing land uses, including infrastructure, are to continue to be provided for while managing impacts on indigenous biodiversity. KiwiRail however submits that some activities provide a national focus and function, and therefore should be specifically recognised and protected, rather than being included with existing local and regional activities.

KiwiRail has a concern with 3.12(3) in the wording as proposed, whereby local authorities are required to ensure no loss of the biodiversity with the continuation of an existing activity. The concern is that this could restrict future development of the network, including where required to ensure that technology improvements are adopted and the network continues to operate in a safe and efficient manner.

KiwiRail is unsure that the proposed provisions in the draft NPS-IB achieve the intention of this discussion, with recognition for existing activities however no protection for them. Leaving the discretion to Regional Council's to identify when policy statements are required to be changed, and how they are to provide for such existing activities, is not providing any certainty that existing nationally significant infrastructure activities will continue to be provided for and enabled.

27 Does the proposed NPSIB provide the appropriate level of protection for indigenous biodiversity outside SNAs with enough flexibility to allow other community outcomes to be met? Yes/no? Why/why not?

If protection is provided for indigenous biodiversity inside SNA's and outside SNA's, there seems to be a total protection situation potentially created unless carefully managed. Reliance on Council's to achieve that may require more resource than many Council's are available, or have specific skills, to provide. Further, this could result in inconsistent approaches being adopted nationally around what is or isn't identified as an SNA which undermines the purpose of the NPS.

This approach, providing protection for indigenous biodiversity outside SNA's, could result in a restriction on works being able to be undertaken to maintain a safe and efficient rail network, or require extensive resourcing and investigation to be undertaken in order to establish if the works are a permitted activity or obtain the necessary consents. This could result in an inefficient and expensive consent process with no certainty being available through the Regional and Territorial planning process.

Policy 7 as proposed appears to infer that all land uses, inside or outside SNAs, are to be controlled in relation to indigenous biodiversity. If that is the intention, there is a concern that this could lead to a restrictive or conservative approach being adopted, and therefore very limited permitted activities being enabled. KiwiRail is also uncertain how controlling subdivision, land use and development outside SNA's provides any recognition or protection to existing land uses, or provides a community with certainty around what can occur where. The provisions proposed in Part 3.13 of the NPS-IB further support the concerns with the policy that KiwiRail has. They appear to infer that indigenous biodiversity will be a consent matter irrespective of scale or quality, and could lead to perverse outcomes where such biodiversity is intentionally not maintained or growth encouraged. The extensive reporting, assessment and classification required could lead to increased consent costs, particularly noting the effect of these provisions is the entire country is protected in relation to indigenous biodiversity, reducing any efficiency in the consenting process.

28 Do you think it is appropriate to consider both biodiversity offsets and biodiversity compensation (instead of considering them sequentially) for managing adverse effects on indigenous biodiversity outside of SNAs? Yes/no? Why/why not?

KiwiRail supports the development of an effect management hierarchy, and therefore would support the consideration of that in a hierarchical manner.

30 Part 3.5 of the proposed NPSIB requires territorial authorities and regional councils to promote the resilience of indigenous biodiversity to climate change. Do you agree with this provision? Yes/no? Why/why not?

The effects of climate change are anticipated, but the scale of these effects remains largely uncertain, as acknowledged in the Discussion Document. Caution should therefore be adopted in requiring plan documents to provide specific direction on how to address this and how that is reflected in the rule framework. KiwiRail believes it is important that certainty is available for applicants when seeking to determine what works are permitted and what works aren't, but also that such a framework is accurate and relevant – i.e. not based on uncertainties.

In addition to that, much of the rail corridor is near the coast or passes over watercourses. The effects of climate change are more likely to be experienced in these areas and, depending on how Councils' decide to implement this direction, could result in sterilisation of the rail corridor and restrict any future ability to undertake works to ensure the continued operation of the network.

31 Do you think the inclusion of the precautionary approach in the proposed NPSIB is appropriate? (see Part 3.6 of the proposed NPSIB) Yes/no? Why/why not?

KiwiRail supports the use of a precautionary approach for proposed activities when it comes to effect mitigation in the consent decision stage, consistent with the approach adopted elsewhere in the RMA. KiwiRail believes however the approach should not be adopted in relation to identification of SNA's or areas to be protected, nor in the rule framework such that there become no permitted activities.

34 Do you agree with the framework for biodiversity offsets set out in Appendix 3? Yes/no? Why/why not?

The concern KiwiRail has is in relation to Principle 10 of Appendix 3, which seeks to directly link an advance offset to an activity at the time of development. KiwiRail believes this will not become common practice, and there is uncertainty around how this can be accurately reflected at the time of application and whether sufficient weight is placed on the benefits proposed when considering applications.

35 Do you agree with the framework for biodiversity compensation set out in Appendix 4? Yes/no? Why/why not? Include an explanation if you consider the limits on the use of biodiversity

compensation set out in Environment Court Decision: Oceana Gold (New Zealand) Limited v Otago Regional Council as a better alternative.

As with Appendix 3, the only principle KiwiRail has a concern with in Appendix 4 is Principle 10 for the same reasons as discussed in relation to Appendix 3.

36 What level of residual adverse effect do you think biodiversity offsets and biodiversity compensation should apply to?

a. More than minor residual adverse effects

b. All residual adverse effects

c. Other. Please explain.

In line with the requirements under the RMA, KiwiRail would support that the residual effects that offsets and compensation should apply to are those that are more than minor. In the event that all residual adverse effects are to be offset or compensated for, there is a risk of mitigation being required that is not consistent with the scale of effects that are created, and further benefits from projects could be lost in the consideration of effects process.

The ability for offsetting is supported, however the implementation of this needs to reflect effects, not anticipated or desired future states. The assessment of effects and the calculations for degree of offsetting, along with its application, should be scientific based not ideological, to ensure the framework is achievable.

Questions – Section D

Objective 5 as proposed in the NPS-IB is supported, looking at restoration and enhancement. This is further expanded in Policy 11 whereby it applies to specific areas. Part 3.16 outlines when restoration and enhancement are anticipated, however that does not appear to relate to the Policy framework proposed, and therefore without clarification that the Policy only applies in these instances, there is uncertainty that the approach may be adopted nationwide. Without certainty that these areas are those identified in Part 3.16, and that these are clearly identified and mapped through the planning process, there is a concern this could be sought without limit and impact on all future works. This could be affected by relatively minor wording changes and, once that clarification is provided, KiwiRail supports restoration and enhancement as approaches.

38 The proposed NPSIB promotes the restoration and enhancement of three priority areas: degraded SNAs; areas that provide important connectivity or buffering functions; and wetlands. (see Part 3.16 of the proposed NPSIB) Do you agree with these priorities? Yes/no? Why/why not?

As an outcome that is desired, the approach is supported, however an element of practicality needs to be included, and the practical implementation of the desire to achieve this needs to be weighed up against the nature of the activity being proposed. KiwiRail would have a concern for instance if connectivity was required to be provided between areas on opposite sides of the rail network, such that it could require extensive works in the rail corridor beyond those anticipated, and consequently adversely affect the ability for the rail network to safely and efficiently operate.

39 Do you see any challenges in wetland protection and management being driven through the Government's Action for healthy waterways package while wetland restoration occurs through the NPSIB? Please explain.

KiwiRail provided an extensive submission on the Action for Healthy Waterways documents, and would support that aspects are dealt with in one location rather than multiple documents. Including wetlands for example in multiple documents raises a risk of conflicting direction, and conflicting consenting approaches and outcomes being sought where different documents deal with similar natural environments. Weighing up the potential conflicts would fall to Regional Councils, and inconsistent approaches around the country could arise. This is a concern for KiwiRail in light of operating a national network and reliance on documents such as National Policy Statements to ensure consistent approaches around the country.

40 Part 3.17 of the proposed NPSIB requires regional councils to establish a 10 per cent target for urban indigenous vegetation cover and separate indigenous vegetation targets for non-urban areas. Do you agree with this approach? Yes/no? Why/why not?

Given the direction of the RMA in matters over which the Regional Council has control, and that urban development is not within that scope, to seek Regional Council's require this seems to either require another layer of consenting for land uses from Regional Councils. If this was included in Regional Policy Statements and implementation fell to Territorial Authorities, KiwiRail believes this would align more with current consenting requirements. Ongoing compliance with these standards is also a potential risk, with increased demands being placed on Council's for inspections, even in the instance of permitted activities which seems to not align with the direction under the RMA or current practice in Council's.

Questions – Section E

48 Do you agree with the proposed additional information requirements within Assessments of Environment Effects (AEEs) for activities that impact indigenous biodiversity? (see Part 3.19 of the proposed NPSIB). Yes/no? Why/why not?

Clarity around what information is required and when is supported. The only concern KiwiRail has is that there is a correlation between identified SNA's and the provision of information rather than the information being required in all instances, irrespective of the consent triggers that result in an application for a proposal. Particularly noting Part 3.19(1)(b) whereby the information is required to be provided if the site contains an area of indigenous vegetation. This is independent of the site being in or partly in an SNA which is required under (1)(a). the level of information should be scale and location specific, rather than generic for all instances, to ensure that meaningful information is provided but also that development is not hindered unnecessarily.

52 What do you think of the approach for identifying and mapping SNAs on other public land that is not public conservation land?

KiwiRail is the manager of Crown land vested for railway purposes. This is often a long linear network of a nominal width. The rail track and safety clearances are often a portion of that network, however the full width may be occupied or used for rail purposes at some point. If KiwiRail is required to identify SNA's along the corridor this would require a skillset not currently contained within the business, and could result in an inconsistent approach being adopted from that of other Crown Agencies or regional and territorial authorities.

53 Part 3.4 requires local authorities to manage indigenous biodiversity and the effects on it of subdivision, use and development, in an integrated way. Do you agree with this provision? Yes/no? Why/why not?

KiwiRail supports integration of biodiversity management in particular with subdivision, land use and development, given the nature of the rail corridor not being publicly accessible, and that often the extent of biodiversity on rail land is linked with that of adjacent land, integration is important to achieve a holistic outcome.

54 If the proposed NPSIB is implemented, then two pieces of national direction – the NZCPS and NPSIB – would apply in the landward-coastal environment. Part 1.6 of the proposed NPSIB states if there is a conflict between these instruments the NZCPS prevails. Do you think the proposals in the NPSIB are clear enough for regional councils and territorial authorities to adequately identify and protect SNAs in the landward coastal environment? Yes/no? Why/why not?

KiwiRail supports clarity in Part 1.6 of the NPS-IB that in the event of conflict the NZCPS prevails.

55 The indicative costs and benefits of the proposed NPSIB for landowners, tangata whenua, councils, stakeholders, and central government are set out in Section 32 Report and Cost Benefit Analysis. Do you think these costs and benefits are accurate? Please explain, and please provide examples of costs/benefits if these proposals will affect you or your work.

Technical guidance and support to give effect to the provisions, particularly in the event that Crown land is to be assessed as to whether it is or isn't an SNA, will be required for KiwiRail. Further technical guidance is anticipated to also be required to potentially support all future applications in the event of the works being located in an SNA or not, if the NPS-IB is implemented as proposed. These aspects could place increased costs on KiwiRail in relation to delivering its day to day operations.

58 What support in general would you require to implement the proposed NPSIB? Please detail.

a. Guidance material

b. Technical expertise

c. Scientific expertise

d. Financial support

e. All of above.

f. Other (please provide details).

All of the above, as discussed in answer to Question 55.

Questions – Section F

59 Do you think a planning standard is needed to support the consistent implementation of some proposals in the proposed NPSIB? Yes/no? If yes, what specific provisions do you consider are effectively delivered through a planning standard tool?

To ensure national consistency, which is a benefit for networks such as the rail network that passes through 70 of the 78 Council's in NZ, consideration of the most appropriate tool to achieve consistent implementation would be supported. Aspects such as a nationally consistent suite of rules to deliver on indigenous biodiversity would be supported by KiwiRail. Trains operate in the same way throughout the country, and the maintenance works undertaken are also the same, therefore certainty for the business that these works can be undertaken in a consistent manner, with a consistent consent requirement, would be supported.

60 Do you think there are potential areas of tension or confusion between the proposed NPSIB and other national direction? Yes/no? Why/why not?

Alignment with other national direction is fundamental to ensuring the outcomes sought in the NPS-IB are achieved. A concern KiwiRail has is in relation to overlapping areas or boundaries, and functions, and while these are understood as being different, e.g. in relation to wetlands in the NPS-IB and the NPS-FM, and the coastal environment in the NP-IB and the NZCPS, there is a risk for blurring of boundaries and controls where interpretation is required. Clarity and certainty would be supported by KiwiRail as a means of knowing what is or isn't controlled, but also for managing the consenting process for projects to ensure these do not become more onerous than necessary.

61 Do you think it is useful for RMA plans to address activities that exacerbate the spread of pests and diseases threatening biodiversity, in conjunction with appropriate national or regional pest plan rules under the Biosecurity Act 1993? Yes/no? Why/why not?

Including pest management into the RMA as well as through the Biodiversity Act requirements for Pest Management Plan is not supported by KiwiRail. The concern is that there could be inconsistent rule frameworks, uncertain consenting and approval pathways, and conditions imposed that are not appropriate for the scale of the works proposed. Our experience has been that working with the Regional Council's on their Pest Management Plans and seeking to ensure that the experts in this field manage compliance from KiwiRail's perspective, and liaise with the appropriate experts in Council, is the appropriate mechanism for managing pests.