

## BEFORE THE INDEPENDENT COMMISSIONERS

**IN THE MATTER** of the Resource Management Act 1991  
("RMA")

**AND**

**IN THE MATTER** of a submission by KiwiRail Holdings  
Limited ("**KiwiRail**") (submitter 416) on  
Hearing 9 of the Far North Proposed  
District Plan ("**Proposed Plan**")

### STATEMENT OF EVIDENCE OF MATTHEW PAETZ ON BEHALF OF KIWIRAIL HOLDINGS LIMITED

#### CORPORATE

#### 1. INTRODUCTION

- 1.1 My name is Matthew Paetz and I am a Senior RMA Advisor at KiwiRail. I have 27 years of professional planning experience obtained in planning and development roles in local authorities, other government bodies and private practice since 1996. I have a Bachelor of Planning (Hons) from the University of Auckland, and Bachelor of Arts from Victoria University. I have been a full member of the New Zealand Planning Institute since 2003.
- 1.2 I was the District Plan Manager at Queenstown Lakes District Council between February 2014 and January 2016, where I led and managed the development of the Proposed Queenstown District Plan. This included work on designations and chapters of the plan relating to infrastructure. Prior to working at KiwiRail, I was employed as a Principal Planner at Auckland Council. My role at Auckland Council included involvement in the preparation of submissions on proposed legislation and policy.
- 1.3 I also work part-time as a lecturer in urban planning at the University of Auckland during university semesters. One of the papers I teach is focused on plan-making. One component of the paper relates to the importance of

planning appropriately for the safe and efficient operation of infrastructure to ensure cities are well-functioning urban environments.

## **2. SCOPE OF EVIDENCE**

2.1 This statement has been prepared on behalf of KiwiRail and relates to the matters contained in the Rural Zones chapters of the Proposed Plan, which KiwiRail submitted on.

2.2 My evidence will outline:

(a) KiwiRail's infrastructure and activities within the Far North District;  
and

(b) the need for a safety setback from the railway corridor.

2.3 KiwiRail's submission sought a 5 metre setback for buildings and structures from the rail corridor boundary in all zones adjacent to the rail corridor, with associated matters of discretion. This setback is not only critical to ensure the health and safety of the occupants of adjacent sites, but also to ensure the safe and efficient operation of the rail network, which is recognised as nationally and regionally significant infrastructure.

## **3. KIWIRAIL IN THE FAR NORTH DISTRICT**

3.1 KiwiRail is a State-Owned Enterprise responsible for the management and operation of the national rail network. The rail network is an asset of national and regional importance. Rail is fundamental to the safe and efficient movement of people and goods throughout New Zealand. There continues to be ongoing critical investment in the maintenance and expansion of the rail network to meet future growth demands and improve transport network efficiency.

3.2 To assist with New Zealand's move towards a low-carbon economy and to meet the needs of New Zealand's growing population, rail services will grow. Recognising that rail produces at least 70 percent less carbon emissions per tonne of freight carried compared with heavy road freight, plans to accommodate more freight on rail are underway. The designated rail corridor of the North Auckland Line ("**NAL**") passes through the Far North District and is a key part of the national rail network.

- 3.3 Growth in the use of rail is expected as part of the mode shift in freight moving off road and onto rail as part of New Zealand's goal to reduce emissions. While the NAL is not currently operational in the Far North District, it is a valuable infrastructure asset and KiwiRail's designation means that, should it be needed, the line could become operational again at any time. KiwiRail seeks to protect its ability to operate, maintain and upgrade this line in the future.
- 3.4 Given the minimum 10 year life of the Proposed Plan, and the potential for a number of industries to require rail to transport freight to the port and other destinations, KiwiRail considers it appropriate and necessary to plan for the potential for the NAL to become active by including provisions to mitigate safety and efficiency effects arising from the location of buildings and structures in close proximity to the rail corridor.

#### 4. **SETBACKS**

- 4.1 The rail corridor is an important physical resource and strategic transport infrastructure. As part of its operations and obligations to its customers, KiwiRail requires the ability to operate trains as required to meet demand. This can result in changes to the timing, frequency, or length of trains passing along the route. It can also result in upgrades to the network that can provide passing opportunities for trains, or other associated rail improvements.
- 4.2 As an asset of national significance, it is important that the rail corridor can operate safely and efficiently without interference. Any interference with the railway corridor can be incredibly disruptive to rail services, creating unnecessary and cascading delays to passengers and freight. KiwiRail therefore seeks building setback controls from the rail corridor boundary for development on land adjoining the corridor, which is an efficient and effective means of ensuring that the risk of interference is mitigated.
- 4.3 For the avoidance of doubt, a **safety setback's** primary function is as a safety buffer. It is distinct from **noise and vibration provisions**.
- 4.4 The rail corridor has a very different and high consequence risk profile compared to entering other sites. Heavy freight trains run at speed along this corridor. It is a hazardous environment and entering the rail corridor can result in a material safety issue to both the person accessing the corridor, and to the rail operations being undertaken within the rail corridor.
- 4.5 A safety setback is important to provide enough space within a site adjoining the rail corridor for the landowner or occupant of that building to maintain and

access their own house or building safely – without accessing the rail corridor to do so, or getting too close to heavy freight trains.

- 4.6 Buildings built right up on the boundary (or which are subject to a minimal setback from the boundary) also significantly increase the risk of inadvertent incursion into the rail corridor from objects falling from open windows or being dropped from scaffolding / platforms that are used for maintenance.
- 4.7 Any object within the rail corridor becomes a safety issue for rail employees who need to remove the obstruction, not to mention train drivers and passengers if the obstruction is not removed in time. It is also a safety issue for residents who seek to retrieve items from the track, due to danger from trains.
- 4.8 The Council Officer reporting for the Rural Zones chapters (Ms Pearson) acknowledges the potential safety concerns resulting from the proximity of buildings and structures to the rail corridor.<sup>1</sup>

#### **Setback distance**

- 4.9 The width of the setback area needs to be sufficient for maintenance activities and access requirements. This includes scaffolding, ladders and other mechanical access equipment required for the maintenance of buildings or land uses, for example, equipment required for drainage works such as the operation of diggers.
- 4.10 The setback distance should also take into account appropriate support structures for scaffolding (such as outriggers) and the necessary space required around scaffolding equipment or machinery. It is not enough to just ensure the equipment itself does not encroach into the rail corridor. KiwiRail is also seeking to ensure that persons operating any equipment do not encroach into the rail corridor, given the safety implications.
- 4.11 KiwiRail's submission sought a 5 metre setback for buildings and structures from the rail corridor boundary in all zones adjacent to the rail corridor, including the various zones that are the subject of Hearing 9.<sup>2</sup> Ms Pearson agrees "it is difficult to maintain buildings and structures (e.g. clean, paint, repair) without sufficient clearance between the structure and the rail corridor

---

<sup>1</sup> Section 42A Report – Rural Wide Issues and the Rural Production Zone authored by Melissa Pearson dated 4 November 2024 at [224].

<sup>2</sup> Including the Rural Production Zone (RPROZ), Rural Lifestyle Zone (RLZ), Rural Residential Zone (RRZ) and Settlement Zone (RSZ).

boundary".<sup>3</sup> However, she concludes 3 metres is sufficient to undertake the maintenance activities that KiwiRail is concerned about without requiring landowners to enter the rail corridor. On that basis, Ms Pearson recommends a 3 metre setback for the RPROZ, RLZ, RRZ and RSZ.<sup>4</sup>

4.12 Ms Heppelthwaite has assessed the relevant height in relation to boundary and height standards for the RPROZ, RLZ, RRZ and RSZ in the context of the technical advice from Galvin Consulting on required setback distances to be able to safely undertake maintenance activities. Based on that analysis, Ms Heppelthwaite proposes a tiered approach to setbacks in the RPROZ, RLZ, RRZ and RSZ where taller buildings have increased setbacks to reflect access requirements (a 4 metre setback from the rail corridor boundary for buildings 4 metres and above in height, and a 3 metre setback for buildings up to 4 metres in height).<sup>5</sup>

4.13 Although KiwiRail generally seeks a 5 metre setback distance, KiwiRail accepts Ms Heppelthwaite's recommendation as a sensible approach to the particular characteristics of the Rural Zones, including the maximum building height standards and height to boundary controls. I consider this will enable the residents of the Far North District to be able to use and maintain buildings on their properties safely, while also protecting rail operations from interference. KiwiRail is willing to accept this proposal as a pragmatic option taking into account local conditions and the relevant zone provisions.

## 5. CONCLUSION

5.1 For the reasons set out in the evidence of Ms Heppelthwaite and above, the setback controls sought by KiwiRail are appropriate and necessary for the safe and efficient operation of the railway network in the Far North District.

**Matthew Paetz**  
**15 November 2024**

---

<sup>3</sup> Section 42A Report – Rural Wide Issues and the Rural Production Zone authored by Melissa Pearson dated 4 November 2024 at [224].

<sup>4</sup> Section 42A Report – Rural Wide Issues and the Rural Production Zone authored by Melissa Pearson dated 4 November 2024 at [226] and [228]. Ms Pearson accepts that the existing 1.2 metre setback from all site boundaries in the Settlement Zone may not be sufficiently wide enough to provide space for maintenance activities, therefore a 3 metre setback from the rail corridor is appropriate to match the setbacks across the RPROZ, RLZ and RRZ.

<sup>5</sup> Evidence of Cath Heppelthwaite dated 18 November 2024 at [7.5] – [7.6].