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 6/7 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 Noise and Signs 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;

(b) the need for noise and vibration controls; and

(c) the need for recognition of sightlines in Policy SIGN-P3.

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 seeks to protect its ability to operate, maintain and upgrade these lines in the future.

4. NOISE AND VIBRATION

4.1 Acoustic and vibration standards are important controls to ensure the ongoing health and wellbeing of people and are instrumental in ensuring that reverse sensitivity effects on rail are minimised, particularly where intensive residential development is proposed adjacent to the rail corridor.

4.2 KiwiRail is a responsible infrastructure operator and has an ongoing programme of upgrade and maintenance work to improve track conditions over time, which helps to minimise potential rail noise and vibration. However, as outlined in Dr Chiles' evidence, residual noise and vibration effects cannot be entirely internalised within the rail corridor and have the potential to cause ongoing disturbance and adverse health effects to communities surrounding the rail corridor.[1]

4.3 Planning instruments are an appropriate tool to manage adverse effects of rail activities on adjacent land users. It is critical that the Proposed Plan appropriately addresses these issues so that health and wellbeing impacts on neighbouring communities are minimised, and the operation and efficiency of the rail network can be protected.

4.4 A particular concern for KiwiRail is the potential for reverse sensitivity effects to arise from new or intensified sensitive activities (eg dwellings) developing near the rail corridor. Reverse sensitivity is a well-recognised resource management concept which refers to the impact that locating new, sensitive activities adjacent to existing lawfully established effects-generating activities has on the ongoing operation of those existing activities. New developments, or higher density redevelopment of existing sensitive uses, can result in greater numbers of individuals being subject to adverse noise and vibration effects. This can result in increased complaints and operational constraints on the rail network (such as limitations on operating hours), which in turn constrains the ongoing operation and future development of the rail corridor.

4.5 In its submission, KiwiRail sought:

(a) the retention of various objectives and rules relating to noise in the Proposed Plan;[2]

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1 Evidence of Dr Stephen Chiles dated 7 October 2024 at [5.2] – [5.3].

2 KiwiRail's submission sought to retain NOISE-O2, NOISE-R2 and Rule Note (4) of the Noise chapter as notified. These submission points have been wholly or partly accepted by the Council Officer and are discussed in the evidence of Ms Heppelthwaite.

(b) the addition of a new policy (NOISE-P4) requiring buildings for noise sensitive activities near the rail corridor to be designed and constructed to minimise the level of noise received;

(c) the inclusion of controls requiring acoustic insulation and ventilation to be installed in new (or altered) sensitive uses within 100 metres of the railway corridor;

(d) the inclusion of controls within 60 metres of the railway corridor, for buildings containing new (or altered) sensitive uses to be constructed to manage the impacts of vibration; and

(e) an amendment to Policy SIGN-P3 to include reference to level crossing sightlines.

5. NEED FOR NOISE AND VIBRATION PROVISIONS

5.1 The Council's Reporting Officer (Mr Baxton) does not consider the addition of a new policy, or the inclusion of noise and vibration controls in NOISE-S5, is appropriate given there are currently no operational railway lines in the Far North District.[3] His position is the additional costs of requiring acoustic insulation for landowners within 100 metres of non-operational railway lines, which may not become operational within the lifespan of the building, are unjustified.[4]

5.2 The NAL is an existing and long-established rail line which is designated by KiwiRail. While the line is currently not active, KiwiRail's designation means that, should it be needed, the line could become operational again at any time. 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 would be short-sighted for the Council not to plan for the potential for the NAL to become active by including provisions to mitigate noise and vibration effects.

Noise effects

5.3 As set out in the evidence of Dr Chiles, the understanding of rail noise effects and necessary mitigation has evolved in the past decade. His evidence demonstrates that adverse noise effects are experienced 100 metres from the rail corridor. As Dr Chiles explains, the 100 metres KiwiRail generally seeks

3 Section 42A Report – Noise and Lighting prepared by Kenton Baxter at [353] and [386].

4 Section 42A Report – Noise and Lighting prepared by Kenton Baxter at [386].

reflects a reasonable compromise to capture the most affected sites without requiring assessment where building treatment is less likely to be required.[5]

5.4 Should railway lines become operational in the Far North District, I consider that a 100 metre buffer for noise controls is appropriate and necessary based on the technical evidence of Dr Chiles.

Vibration effects

5.5 Dr Chiles' evidence demonstrates that rail vibration has a very real effect on neighbours (with the potential to result in reverse sensitivity effects on KiwiRail) that requires mitigation. He considers that vibration effects are experienced more than 100 metres from the rail corridor, but that a control to 60 metres would manage the worst of vibration effects.[6]

5.6 KiwiRail continues to consider that vibration controls are appropriate having regard to Dr Chiles' evidence. However, given the practicalities of implementing vibration controls, KiwiRail is prepared to accept the inclusion of a rail vibration "alert layer" as alternative relief. This is described further in paragraphs 5.8 and 6.9 below.

KiwiRail's proposed provisions

5.7 Given the NAL is currently not operational, KiwiRail proposes a twofold solution to include an information only noise and vibration alert layer in the Proposed Plan; and to amend NOISE-S5 to include appropriate rail noise controls that will only apply if the NAL becomes operational with regular rail services.

Noise and vibration alert layer

5.8 This layer would apply to all properties within 100 metres on either side of the rail corridor designation boundary. Dr Chiles' evidence is that adverse health effects from noise and vibration extend up to 100 metres from the rail corridor.[7]

5.9 A noise and vibration alert layer is an information layer to signal to property owners that they are located in proximity to the rail corridor which could become operational. There are no rules or other provisions associated with the alert layer.

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5 Evidence of Dr Stephen Chiles dated 7 October 2024 at [6.1].

6 Evidence of Dr Stephen Chiles dated 7 October 2024 at [6.3].

7 Statement of Evidence of Stephen Chiles dated 7 October 2024 at [6.1], [6.3] and Appendix A.

Noise controls

5.10 In the event the rail corridor becomes active (as it could at any time), there will be noise and vibration effects on noise sensitive activities in proximity to the network. At such point in time, acoustic insulation provisions are required to ensure health and wellbeing impacts on neighbouring communities are minimised, and the operation and efficiency of the rail network is protected.

5.11 KiwiRail proposes to update the noise provisions in NOISE-S5 to apply 100 metres from the rail corridor, but that NOISE-S5 be framed such that the provisions will only be triggered when the rail line becomes active. Similar provisions were included in the Whakatāne District Plan and are discussed further in the evidence of Ms Heppelthwaite.[8] For the avoidance of doubt, this would not apply retrospectively and would only apply to new or altered buildings constructed after the rail line became operational.

5.12 KiwiRail's proposed amendments to the plan provisions are set out in **Attachment A** of Ms Heppelthwaite's evidence.

6. SIGNS

6.1 Although level crossing accidents make up a low proportion of accidents, they have a greater probability of death or serious injury than other road accidents. This is largely due to the mass and speed of a train and the inability of trains to brake or take evasive action. Level crossings are a hazard to both train operators and road traffic, and every effort should be made to manage risks associated with them.

6.2 Level crossing sightlines are designed to ensure road vehicle drivers have sufficient visibility along the rail tracks, and that obstructions do not block the visibility of level crossing signs or alarms to approaching drivers.

6.3 Signs can create such an obstruction, and I support the amendments proposed by Ms Heppelthwaite to ensure that SIGN-P3 makes it clear that the safe and efficient operation of level crossings should not be compromised by inappropriately located signage.

7. CONCLUSION

7.1 For the reasons set out in the evidence of Dr Chiles, Ms Heppelthwaite and above, the amendments to the noise and vibration provisions in the Proposed

[8] Evidence of Catherine Heppelthwaite dated 7 October 2024 at [7.8] – [7.10].

Plan sought by KiwiRail are appropriate and necessary for the safe and efficient operation of the rail network in the Far North District.

Matthew Paetz
7 October 2024