

7 July 2025

Independent Hearings Panel  
Far North District Council Proposed District Plan  
Private Bag 752  
Kaikohe 0440

By email to: [pdp@fndc.govt.nz](mailto:pdp@fndc.govt.nz)

Dear Commissioners

### **Far North District Council Proposed District Plan – Hearing 14**

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 is also the Requiring Authority for land designated "Railway Purposes" in district plans throughout New Zealand.

KiwiRail made a submission on the Far North District Council's Proposed District Plan (**Proposed Plan**) on 23 October 2024.

### **Building setbacks**

KiwiRail's submission sought a 5 metre setback for buildings and structures from the rail corridor boundary in zones adjacent to the rail corridor. KiwiRail filed corporate and planning evidence for Hearing 9 (Rural Zones) of the Proposed Plan on 15 November 2024, which addressed the need for safety setbacks from the rail corridor. KiwiRail also provided legal submissions and presented at the hearing for Hearing 9 on 2 December 2024.

I refer to my earlier evidence and the evidence presented by Ms Heppelthwaite for Hearing 9 (Rural Zones), which sets out the importance of providing an adequate plan-based setback adjacent to the rail corridor across all zones in the Far North District. A safety setback is critically important to enable landowners to safely access their properties, avoid significant safety risks, and protect the rail corridor from interference.<sup>1</sup> KiwiRail's approach for Hearing 9 proposed a tiered approach whereby taller buildings were subject to increased setbacks to reflect the controls provided by the height and relation to boundary standards and the different access requirements needed for taller buildings.

Fundamentally, KiwiRail seeks setback controls to appropriately manage the health and safety of communities and ensure the ongoing operation of KiwiRail's network as nationally and regionally significant infrastructure.<sup>2</sup> This is important in all zones adjacent to the rail corridor.

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<sup>1</sup> Evidence of Catherine Heppelthwaite dated 15 November 2024 at Attachment B: Assessment under Section 32 of the Resource Management Act 1991 Rail Safety Setback at p 3.

<sup>2</sup> Evidence of Matthew Paetz dated 15 November 2024 at [4.1]-[4.2].



## Urban Zone setbacks

The Reporting Officer for the Urban Zone (Miss Trinder) recommends accepting in part KiwiRail's submission seeking a 5 metre setback from the rail corridor in the zone.<sup>3</sup> Miss Trinder understands the safety concerns that KiwiRail has raised with respect to the proximity of buildings and structures to the rail corridor.<sup>4</sup> However, Miss Trinder only recommends amendments to the notified setback rules<sup>5</sup> in the urban zones to require a 3 metre setback from the boundary of the KiwiRail designation.<sup>6</sup>

KiwiRail continues to seek a 5 metre setback from the rail corridor boundary for the Light Industrial, Heavy Industrial, and Mixed-Use zones to ensure people can use and maintain their buildings and structures safely without needing to extend into the railway corridor and to minimise the risks of physical interference on railway operations and the creation of health and safety hazards. The Section 32 assessment prepared by Galvin Consulting Limited (included at Attachment B to Ms Heppelthwaite's evidence) concludes a setback between 4.5 metres to 6.2 metres is the most efficient and effective option to manage the risk of interference with the rail corridor. KiwiRail generally seeks a 5 metre setback as a pragmatic balance between these distances.

The General Residential Zone has similar height in relation to boundary and height permitted activity standards as the Rural Zone. Accordingly, KiwiRail seeks the same tiered approach as KiwiRail proposed in Hearing 9 (as set out in paragraphs 7.3 and 7.4 of Ms Heppelthwaite's evidence for that hearing stream).<sup>7</sup>

KiwiRail's proposed amendments to the Urban Zone standards are included in this letter at **Attachment A**.

## Matters of discretion

KiwiRail also sought the inclusion of new matters of discretion in the urban zones setback standards to ensure plan users consider relevant health and safety matters and the efficient operation of the rail network when infringing rail corridor setbacks.

Miss Trinder agrees with KiwiRail that the notified matters of discretion for non-compliance with the setbacks outlined above are generic and do not address potential health and safety issues or operational issues related to the rail corridor.<sup>8</sup>

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<sup>3</sup> Far North District Council – Section 42A Officer's Report (Urban) dated 23 June 2025 at [221].

<sup>4</sup> Far North District Council – Section 42A Officer's Report (Urban) dated 23 June 2025 at [187].

<sup>5</sup> GRZ-S3, MUZ-S3, LIZ-S3, and HIZ-S3.

<sup>6</sup> Far North District Council – Section 42A Officer's Report (Urban) dated 23 June 2025 at [190]-[193].

<sup>7</sup> Primary Statement of evidence of Catherine Lynda Heppelthwaite regarding Hearing 9 of the Proposed Plan, dated 15 November 2024.

<sup>8</sup> Far North District Council – Section 42A Officer's Report (Urban) dated 23 June 2025 at [194].

As such, Miss Trinder recommends the inclusion of additional matters of discretion into GRZ-S3, MUZ-S3, LIZ-S3, and HIZ-S3, being:<sup>9</sup>

- (a) *The location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.*
- (b) *The safe and efficient operation of the rail network.*

KiwiRail supports the Reporting Officer's recommendation.

At this stage, KiwiRail does not wish to be heard at the hearing for Hearing Stream 14, and respectfully requests this letter is tabled as a record of KiwiRail's position. I am available to answer any questions from the Hearings Panel either in writing or via videoconference if required.

Yours faithfully,

A handwritten signature in black ink, appearing to read "M. Paetz".

Matthew Paetz

**Senior RMA Advisor**

**KiwiRail Holdings Limited**

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<sup>9</sup> Far North District Council – Section 42A Officer's Report (Urban) dated 23 June 2025 at [163] and [194].

# ATTACHMENT A

**Base text:** S42A Recommendations with changes accepted.

**Amendments:** Red underline and ~~striketrough~~

## Heavy Industrial Zone

HIZ-S3	Setback (excluding from MHWS or wetland, lake and river margins)	
Heavy industrial zone	<p>The building or structure, or extension or alteration to an existing building or structure, must be setback at least 10m from all boundaries of sites that are not zoned heavy industrial, except that:</p> <ol style="list-style-type: none"> <li>1. a minimum setback of 5m applies from any site in the Light Industrial zone and at the road boundary <u>and KHR designation boundary.</u></li> <li>2. <del>For a boundary adjoining a rail corridor, the setback must be at least 3m from the KHR designation boundary.</del></li> </ol> <p>This standard does not apply: [...]</p>	<p>Where the standard is not met, matters of discretion are restricted to: [...]</p>

## Light Industrial Zone

LIZ-S3	Setback (excluding from MHWS or wetland, lake and river margins)	
Light industrial zone	<p>The building or structure, or extension or alteration to an existing building or structure must be setback at least 3m from the boundary of any site zoned General Residential, Rural Residential, Māori Purpose, Open Space, Natural Open Space, or Sport and Active Recreation <del>or</del> <u>and 5m from</u></p>	<p>Where the standard is not met, matters of discretion are restricted to: [...]</p>

	<p><del>of</del> any KHR designation boundary.</p> <p>This standard does not apply to:</p> <p>[...]</p>	
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### Mixed Use Zone

MUZ-S3	Setback (excluding from MHWS or wetland, lake and river margins)	
Mixed Use zone	<p>The building or structure, or extension or alteration to an existing building or structure must be setback at least 3m from the boundary of any site zoned General Residential, Rural Residential, Rural Lifestyle, Māori Purpose - Urban, Open Space, Natural Open Space, Sport and Active Recreation <del>of</del> <b>and 5m from</b> any KHR designation boundary.</p> <p>This standard does not apply to:</p> <p>[...]</p>	<p>Where the standard is not met, matters of discretion are restricted to:</p> <p>[...]</p>

### General Residential Zone

GRZ-S3	Setback (excluding from MHWS or wetland, lake and river margins)	
General Residential zone	<p>The building or structure, or extension or alteration to an existing building or structure must be set back at least 1.2m from all site boundaries, except that:</p> <ol style="list-style-type: none"> <li>1. the setback must be at least 3m measured from a road boundary,</li> <li>2. For a boundary adjoining a rail corridor, the setback must be at least 3m from the KHR designation</li> </ol>	<p>Where the standard is not met, matters of discretion are restricted to:</p> <p>[...]</p>

	<p>boundary <u>and buildings and structures located between 3m and 4m of a rail designation boundary shall have a maximum height of 4m.</u></p> <p>This standard does not apply to: [...]</p>	
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