

5 November 2024

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

By email to: alicia-kate.taihia@fndc.govt.nz

Dear Commissioners,

Far North Proposed District Plan – Hearing 8 (Open Space, Engineering Standards & Mineral Extraction)

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 Proposed District Plan (**Proposed Plan**) on 21 October 2022. Six of KiwiRail's submission points on the Proposed Plan have been allocated to Hearing 8.¹

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 Natural Open Space Zone (**NOSZ**), Open Space Zone (**OSZ**) and Sport and Active Recreation Zone (**SARZ**). KiwiRail's submission also sought the inclusion of two matters of discretion in each zone provision where there is non-compliance with the setback standard.²

The Council Officer reporting for the Open Space Zones (Ms Trinder) considers it appropriate to include the new matters of discretion sought by KiwiRail.³ In respect of the setback standards, Ms Trinder notes NOSZ-S3 already includes a 10 metre setback from all site boundaries.⁴ Ms Trinder has recommended an amendment to SARZ-S3 to increase the setback from all site boundaries to 5 metres (previously 1.2 metres in the notified wording of the Proposed Plan).⁵ Given these existing or recommended setbacks, Ms Trinder does not consider it necessary to include a specific *rail* setback in the NOSZ or SARZ.⁶

However, Ms Trinder has not recommended any amendments to OSZ-S3. KiwiRail therefore seeks the following amendment to OSZ-S3 to ensure there is an adequate setback adjacent to the rail corridor in the OSZ of the Proposed Plan (the amendment shown in ~~strike through~~ and underline):

[...] The building or structure, or extensions or alterations to an existing building or structure must be set back at least ~~1.2m~~ 5m from all site boundaries, except that the setback must be at least 3m measured from a road boundary.

¹ Submission points 416.053, 416.054, 416.055, 416.065, 416.066 and 416.067.

² These matters of discretion included (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, and (b) the safe and efficient operation of the rail network.

³ Section 42A Report – Open Space Zones at [276].

⁴ Section 42A Report – Open Space Zones at [272].

⁵ Section 42A Report – Open Space Zones at [273] and [275].

⁶ Section 42A Report – Open Space Zones at [275].



Subject to the above amendment to OSZ-S3, KiwiRail supports Ms Trinder's recommendations in relation to its submission points. A safety setback enables landowners to safely access their properties, avoid significant safety risks, and protect the rail corridor from interference. 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. KiwiRail intends to provide corporate and planning evidence outlining the importance of setbacks in further detail in a subsequent hearing stream of the Proposed Plan (either Hearing 9 in December 2024 or Hearing 14 in July 2025).

At this stage, KiwiRail does not wish to be heard at the hearing and respectfully requests this letter is tabled as a record of KiwiRail's position on Hearing 8 of the Proposed Plan. 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 "Matthew Paetz".

Matthew Paetz

Senior RMA Advisor

KiwiRail Holdings Limited

