

BEFORE THE INDEPENDENT COMMISSIONERS

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

AND

IN THE MATTER of the Proposed Waimakariri District
Plan ("**Proposed Plan**")

**STATEMENT OF EVIDENCE OF MICHELLE GRINLINTON-HANCOCK
ON BEHALF OF KIWIRAIL HOLDINGS LIMITED**

CORPORATE

1. INTRODUCTION

- 1.1 My name is Michelle Grinlinton-Hancock and I am the RMA Team Leader for KiwiRail. I have over 20 years of RMA and planning experience and I am a full member of the New Zealand Planning Institute. I have a Bachelor of Resource and Environmental Planning (Hons) from Massey University.
- 1.2 I began my career in planning and resource management in 2000 and have over the course of my career worked as a planner in Council processing applications, as well as a consultant where I prepared consent applications and submitted on district and regional plan provisions on behalf of clients.
- 1.3 Prior to working at KiwiRail, I was the programme manager for the Ministry for the Environment's Making Good Decisions Programme while I was employed at WSP. I am also a certified Commissioner under the Ministry for the Environment's Making Good Decisions Programme.
- 1.4 I have worked at KiwiRail as a Senior RMA Advisor and now as Team Leader for over three years.

2. SCOPE OF EVIDENCE

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

2.2 My evidence will outline:

- (a) KiwiRail's infrastructure and activities within Waimakariri District; and
- (b) the need for a safety setback from the railway corridor.

3. KIWIRAIL IN THE WAIMAKARIRI DISTRICT

3.1 KiwiRail is a State-Owned Enterprise responsible for the management and operation of the national railway 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, with the new (delivery from 2025) Cook Strait ferries able to accommodate 4 times the present rail freight capacity of the route.

3.3 The designated corridor of the Main North Line ("**MNL**") passes through the Waimakariri District from north to south and is a key part of the KiwiRail network nationally. Approximately 60 trains per week pass through Waimakariri District on the MNL. Growth in the use of the MNL 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. Pre-Kaikoura quake track volumes were approximately double the current volumes.

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 boundary of the rail corridor 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 a **noise or vibration contour**.
- 4.4 KiwiRail's submission sought a 5 metre setback in the Rural, Natural Open Space Zone and Open Space Zones with associated matters of discretion. This setback has been accepted by the Council Officer for the Natural Open Space Zone and Open Space Zones.
- 4.5 For the Rural Zones, the Council Officer has included a 4 metre setback from the rail corridor boundary. While KiwiRail's submission sought 5 metres, in the context of the other provisions of the Rural Zones, KiwiRail would accept 4 metres in the Rural Zones.

Need for safety setbacks

- 4.6 A safety setback is important to provide enough space within a site adjoining the rail corridor for the homeowner 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 trains. Buildings constructed close to the rail corridor do not leave enough space on site for essential maintenance activities. The lack of space means it is highly likely that these activities can only happen by accessing the rail corridor.
- 4.7 The rail corridor is not a public domain and it has a very different and high consequence risk profile compared to entering other sites. 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.
- 4.8 Buildings built right up on the boundary (or 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.

- 4.9 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 other people on trains if the obstruction is not removed in time. It also becomes a safety issue for residents who seek to retrieve items from the track, due to danger from trains.
- 4.10 It is frequently suggested by developers that adjoining landowners should simply ask KiwiRail for permission to access the rail corridor to undertake maintenance and other activities. With respect, this is not the answer. This would be disruptive to the network and onerous for landowners / occupiers to have to use each time they wish to undertake maintenance. Enabling third parties (like neighbours) to access the rail corridor can require on-site safety personnel, or the temporary closure of a block of the track. Closing the track – even temporarily – requires around six months to plan, as rail operation demands are required to be factored in and alternatives found.
- 4.11 In my opinion, it would be a poor planning outcome if the options for landowners who need to access their own buildings for maintenance are either to: (a) seek permission from KiwiRail to encroach onto the rail corridor (resulting in delay, cost and safety issues); or (b) not obtain permission and trespass on the rail corridor. The better planning outcome is to provide an adequate safety setback within a landowner's own property for that landowner to access their own building safely.
- 4.12 A physical setback manages adverse effects on the safety of adjacent occupiers and the operation of the railway corridor, while also providing a level of amenity in terms of safe enjoyment of land use activities adjacent to the corridor.
- 4.13 The size 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 (which require approximately 3 to 5 metres for operation).
- 4.14 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.

- 4.15 Although I maintain the position that 5 metres is appropriate to enable the residents of the Waimakariri District to be able to use and maintain buildings on their properties safely, while also protecting rail operations from interference (as has been accepted for the Natural Open Space Zone and Open Space Zones), KiwiRail is willing to accept a 4 metre setback for the Rural Zones.

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 rail network in the Waimakariri District. KiwiRail seeks the recommendations of the Council Officers are adopted.

Michelle Grinlinton-Hancock

25 September 2023