

## Hearing Stream 9: Commercial and Mixed Use Zones

### Questions from the Hearing Panel to KiwiRail

KiwiRail has submitted evidence and legal submissions to Hearing Stream 9 in support of their submission and have chosen not to appear at hearing. They have asked the Panel to put any questions of them in writing.

The Hearing Panel requests that KiwiRail answer the following question, preferably before the hearing adjourns on the 29<sup>th</sup> January, if not soon after, so that the Panel may set questions for the Reporting Officer's Reply Report in a timely manner.

### Questions:

Please respond to Ms Dale's evidence in respect to the 5m railway set back sought by KiwiRail. In particular, please:

- Address why it is appropriate now to include a setback in the MUZ, LCZ and NCZ where we understand, there is no Railway adjacent to these three zones.
- Explain the rationale and provide evidence for why 4m is more appropriate than 2.5m in respect of maintenance and access to buildings. In doing so, please explain why and how the maintenance and access to buildings and safety issues of people dropping things differs for the railway line compared to any other site boundary.
- Address the appropriateness of a blanket set back from the railway boundary rather than the rail lines themselves, if the concern is interference with the operation of the railway line.
- Provide evidence that there is an issue in Waimakariri District that warrants a 4 or 5m setback, noting our question below.
- Explain why the Hearings Panel would impose a 4 or 5m setback when this is inconsistent with smaller-sized setbacks in recently approved or decided District Plans (including plan changes). Ms Dale has referenced the Whangarei, New Plymouth and Marlborough District Plans. We would also like the Selwyn and Porirua District Plans to be addressed, noting the North Island Main Trunk Line goes through Porirua.

In respect of Ms Grinlinton-Hancock's paragraph 4.12, please explain the relationship between a District Plan and the Property Law Act in respect to the rights of a person to access another property and please set out why this is an RMA matter. Is it appropriate that the District Plan includes rules based on the premise that someone might trespass on KiwiRail land?