

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**

HEARING STREAM 9 – 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. I have a Bachelor of Resource and Environmental Planning (Hons) from Massey University and am a full member of the New Zealand Planning Institute.
- 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.

2.3 On 10 October 2023, I appeared on behalf of KiwiRail at Hearing Stream 6 for the Rural and Open Space Zones. Given most of the designated rail corridor in the Waimakariri District is located within the Rural and Open Space Zones, KiwiRail gave evidence on setbacks at Hearing Stream 6. For completeness, this statement restates my earlier evidence on the need for setbacks as KiwiRail considers it is important to put this information before the Panel for Hearing Stream 9 as well.

3. KIWI RAIL 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 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, and KiwiRail expects that rail services will return to these volumes. KiwiRail seeks to protect its ability to operate, maintain and upgrade these lines into the future.

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 The Council Officer does not support a 2.5m setback (as sought by Kainga Ora) due to the noise and vibration associated with railway lines.¹ 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) a 5 metre setback in the Neighbourhood Centre Zone, Local Centre Zone, Town Centre Zone and Large Format Retail Zone ("**Commercial Zones**") with associated matters of discretion;² and
 - (b) a new Built Form Standard in the Mixed Use Zone that requires a 5 metre setback from the rail corridor boundary³ (as well as a new matter of discretion for buildings within the setback area, requiring consideration of the safe and efficient functioning of the rail network⁴).
- 4.5 The Council Officer recommends retaining a 4 metre setback from the rail corridor boundary in the Commercial Zones and introducing a 5 metre setback in the Mixed Use Zone.⁵ While KiwiRail's submission sought a setback distance of 5 metres, in the context of the zone provisions which KiwiRail has

1 Section 42A Officer's Report – Hearing Stream 9 Commercial and Mixed Use Chapters at [58].

2 Submission numbers 373.84, 373.85, 373.86 and 373.87.

3 Submission number 373.92.

4 Submission number 373.96.

5 Section 42A Report at [58] and [505].

accepted in other hearing streams (ie a 4 metre setback in the Rural Zones), KiwiRail would accept 4 metres in both the Commercial and Mixed Use Zones.

- 4.6 The Council Officer considers a new matter of discretion relating to rail setbacks is not necessary, because CMUZ-MD13 already applies to the Commercial and Mixed Use Zones with the same wording sought in KiwiRail's submission.⁶ KiwiRail therefore supports the retention of CMUZ-MD13 as notified in the Proposed Plan.
- 4.7 For completeness, I set out below the importance of rail setback rules and the need for their inclusion in the Proposed Plan.

Need for safety setbacks

- 4.8 The Council Officer has indicated the setback rule sought by KiwiRail is intended to "provide for vehicular access to the backs of buildings and allow for safe operations to take place".⁷ The intent of safety setback sought by KiwiRail is not to provide for vehicular access behind buildings. Rather, it provides 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.
- 4.9 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.
- 4.10 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.
- 4.11 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

⁶ Section 42A Report at [667].

⁷ Section 42A Report at [48].

safety issue for residents who seek to retrieve items from the track, due to danger from trains.

- 4.12 It is also not the case that adjoining landowners should simply ask KiwiRail for permission to access the rail corridor to undertake maintenance and other activities. Rail land is not like other land uses, and any third party use of the land is required to go through a rigorous process, which is both disruptive to the rail network, and onerous for adjoining landowners / occupiers. The Proposed Plan must appropriately provide for landowners to be able to use and maintain their properties within their **own property**, rather than having to encroach onto the rail corridor. In my opinion, that would be a poor planning outcome.
- 4.13 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.
- 4.14 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).
- 4.15 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.
- 4.16 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 in a safer way, while also protecting rail operations from interference, KiwiRail is willing to accept a 4 metre setback for the Commercial and Mixed Use Zones (acknowledging that Variation 1 has proposed to increase the setback from the rail corridor boundary to 5 metres).

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 Council Officer's recommendations are adopted.

Michelle Grinlinton-Hancock

15 January 2024