

## 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 9A - 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 four years.

## **2. SCOPE OF EVIDENCE**

2.1 This statement has been prepared on behalf of KiwiRail and relates to the matters contained in the Proposed Plan which have been assigned to Hearing Stream 9A (Industrial Zones), 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. I also gave evidence on the need for setbacks in relation to Hearing Stream 9 for Commercial and Mixed Use Zones. 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 9A 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 For the avoidance of doubt, a **rail 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 Industrial Zones with associated matters of discretion.<sup>1</sup> The Council Officer rejected this submission and recommended a 4 metre setback from the rail corridor boundary in Industrial Zones.<sup>2</sup>
- 4.5 While KiwiRail's submission sought a setback distance of 5 metres, in the context of the zone provisions which KiwiRail has accepted in other hearing streams (ie a 4 metre setback in the Rural Zones), KiwiRail would accept 4 metres in the Industrial Zones.
- 4.6 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**

- 4.7 The Council Officer 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".<sup>3</sup> The intent of safety setback sought by KiwiRail is not to provide for vehicular access behind buildings. Nor is it to "foster visual

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<sup>1</sup> Submission numbers: [373.88], [373.89], [373.90].

<sup>2</sup> Proposed Waimakariri Plan, Section 42A Report (dated 13 March 2024) at [62].

<sup>3</sup> Proposed Waimakariri Plan, Section 42A Report (dated 13 March 2024) at [56].

amenity".<sup>4</sup> Rather, it provides enough space **within** a site adjoining the rail corridor for the 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.

- 4.8 The rail corridor is not a public domain and has a very different and high consequence risk profile compared to other sites or land uses. The rail corridor is a hazardous environment and entering the rail corridor can result in a material and significant safety issue to both the person accessing the corridor, and to the rail operations being undertaken within the rail corridor. Trains are large, travel at speed, and cannot quickly stop. Put frankly, people's lives can be at risk if there are not sufficient setback distances provided.
- 4.9 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.
- 4.10 Any object within the rail corridor becomes a safety issue for rail employees who need to remove the obstruction, as well as train drivers and other people on trains if the obstruction is not removed in time.
- 4.11 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.
- 4.12 To protect the railway corridor from unforeseen hazards, such as dropped objects, KiwiRail generally seeks a 5 metre setback for new buildings, or alterations to existing ones, adjacent to the network. This is illustrated in the diagram set out in **Appendix A**, which shows the horizontal distances

required (including to accommodate a dropped object zone) for differing building heights and scaffolding configurations.

- 4.13 The figure shows, when considering building maintenance, any setback distance between the building and the boundary with the railway needs to be sufficient to keep effects within the adjacent site, and to avoid impacting the safety of people and the operating railway.
- 4.14 The diagrams illustrate a range of 3.7 to 4.6 metres for a person to construct scaffold, and 4.5 to 6.2 metres to enable access for scaffold for maintenance of wall cladding (not roof cladding) and allow for (some) falling objects. This assumes level, stable ground conditions.
- 4.15 While a 5 metre setback may not entirely protect the network from all such possibilities (with dropped objects potentially falling further), KiwiRail considers 5 metres to strike a good balance between protecting the rail network and preserving the property rights of landowners.
- 4.16 However, given the consistency of the proposed 4 metre setback across the Waimakariri District in the Council Officer reports, and KiwiRail's general approach to work with Council Officer supported plan provisions, KiwiRail is willing to accept a 4 metre setback for the Industrial Zones.
- 4.17 KiwiRail does not consider a 2.5 metre setback allows sufficient space for this important safety issue. A 2.5 metre setback does not provide enough space around the base of scaffolding to accommodate the movement of people, materials, and other plant and equipment around the base of a building, nor to protect against the risk of objects being dropped from scaffolding into the rail corridor.

#### **Need for rail setback to measured from the rail corridor**

- 4.18 For completeness, I also reiterate the need for the rail setback to be measured from the rail designation boundary, not the track, as set out in the Memorandum of Counsel on behalf of KiwiRail dated 31 January 2024 in relation to Hearing Stream 9. Track can be constructed anywhere within the designation, and so the appropriate "measuring point" for the setback control should be the designation line itself.
- 4.19 There are also a range of other rail-related activities that may be lawfully undertaken by KiwiRail anywhere within the designation boundary, and so a reference to the "line" or "track" is unclear, uncertain and ambiguous. A setback from the rail boundary rather than the rail track ensures that there is

a sufficiently safe distance from all of these rail activities. Rail setback standards measured from the designation boundary have been confirmed by the Environment Court in a number of plan processes.

**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**

**28 March 2024**

### APPENDIX A - Illustration of Dropped Object Paths from Different Height Buildings/Scaffolding

