

BEFORE THE INDEPENDENT COMMISSIONERS

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

AND

IN THE MATTER a submission by KiwiRail Holdings
Limited (submitter 442) on Proposed Te
Tai o Poutini Plan ("**TTPP**")

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 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 Making Good Decisions Programme while I was employed at WSP. I am also a certified Commissioner under the Ministry for the Environment 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. SUMMARY

2.1 My evidence will outline:

- (a) KiwiRail's infrastructure and activities within the Buller, Grey and Westland Districts; and
- (b) the need for a safety setback from the railway corridor.

2.2 KiwiRail is seeking a 5 metre setback for buildings and structures from the rail corridor boundary in all zones adjacent to the rail corridor, with an associated matter of discretion. This setback is critical to ensure the health and safety of occupants of those properties, but also to ensure the safe and efficient operation of the rail network, which is recognised as nationally and regionally significant infrastructure.

3. KIWIRAIL ON THE WEST COAST

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 four times the present rail freight capacity of the route.

3.3 The Westport, Stillwater to Ngakawau ("**SNL**"), Rapahoe, Greymouth, Hokitika and Midland railway lines all extend through the West Coast. In addition to investment in the maintenance of these lines, KiwiRail is investing in a redevelopment of the Westport Depot.

3.4 The Midland line runs 100 trains and 29 light locomotives weekly, while the Hokitika line currently services 14 weekly trains. The designated corridor of SNL passes through Westport and is a key part of the KiwiRail network

nationally. SNL is an active line that has services (comprising 68 trains per week) scheduled between Monday and Saturday.

- 3.5 The Westport Industrial Line is not currently used by KiwiRail for scheduled train services, however **it is in use** for stabling maintenance machines and work trains. KiwiRail keeps this line maintained for such use. The rail area is also partially tenanted with one tenant using the area to truck material via railway land to the port.
- 3.6 This line provides a valuable connection to Westport's deep sea port and there is the potential for the line to be used by rail customers in future. The Rapahoe line currently has no regular train services but KiwiRail does run trains at certain times of the year on customer request. Like the Westport Industrial Line, the Rapahoe line is maintained by KiwiRail.
- 3.7 Growth in the use of rail 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. 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 rail corridor boundary 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 **noise and vibration provisions**. The Council Officer's statement that the provision of acoustic treatment is already required

within 40m of the rail corridor,¹ has no bearing on KiwiRail's relief seeking a setback from the rail corridor. They are for different purposes.

- 4.4 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, with an associated matter of discretion. The Council Officer (Ms Easton) does not support the inclusion of new setback controls in the TTPP.² This is on the basis that there are existing buildings adjoining the rail corridor, and the railway line in Westport is no longer operational.³
- 4.5 I believe that Ms Easton may have misunderstood the potential impacts of the new rule sought by KiwiRail. As set out in Ms Heppelthwaite's evidence, the setback control proposed here only applies to new or altered buildings and structures, and does not require any changes to be made to existing buildings.⁴
- 4.6 As set out above, there are a number of active lines in the West Coast region running heavy freight trains throughout the week. With respect to railway lines in Westport, the SNL is in active use by scheduled services. The Westport Industrial Line is used by both KiwiRail and its tenants and has potential to be re-engaged for scheduled services in the future. A 5 metre setback is necessary to protect these rail operations from interference, while also ensuring the safety of KiwiRail's staff and those communities located near the railway network.
- 4.7 Ms Easton also considers that KiwiRail should designate areas that are required for the safe and efficient operation of the rail network.⁵ I disagree with this approach. It is not an efficient use of land for KiwiRail to designate adjoining properties simply to ensure people can safely access their own properties. That would impose much greater constraints on private land than the setback controls proposed here.

Designating land adjacent to the existing rail corridor would result in additional cost, inefficiency, and uncertainty for taxpayers and developers as they would need to seek approval from KiwiRail under section 176 of the RMA when they wish to undertake activities on their land.

1 Te Tai o Poutini Plan – Section 42A Officer's Report – Introduction and General Provisions at [125].

2 Te Tai o Poutini Plan – Section 42A Officer's Report – Introduction and General Provisions at [119] – [125].

3 Te Tai o Poutini Plan – Section 42A Officer's Report – Introduction and General Provisions at [123].

4 Statement of Evidence of Catherine Heppelthwaite dated 2 October 2023 at [9.1(c)].

5 Te Tai o Poutini Plan – Section 42A Officer's Report – Introduction and General Provisions at [125].

Need for safety setbacks

- 4.8 A safety setback is important to provide enough space within a site adjoining the rail corridor for the landowner 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 heavy freight 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 which are 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 passengers if the obstruction is not removed in time. It is also a safety issue for residents who seek to retrieve items from the track, due to danger from trains.
- 4.12 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.
- 4.13 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 into the rail corridor (resulting in delay, costs 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 building safely.

Setback distance

- 4.14 The width 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 To assist the Panel, I have had prepared a diagram that illustrates the effects that KiwiRail is concerned about (attached as **Appendix A**).
- 4.17 I consider that 5 metres is required to enable the residents of the district to be able to use and maintain buildings on their properties safely, while also protecting rail operations from interference. As set out in the evidence of Ms Heppelthwaite, KiwiRail is seeking 5 metres in all zones, save that KiwiRail is willing to accept a 4.5 metre setback in the Natural Open Space, Open Space and Commercial Zones to be consistent with road setback provisions already included in the TTPP. It does not make any sense to me that the TTPP provides for safety setbacks from road but not for rail.

Matter of discretion

- 4.18 The Council Officer considers that the proposed setback would restrict development, including on numerous sites where redevelopment is desirable to support the strategic direction of the TTPP.⁶ However, the setback controls sought by KiwiRail do not constitute a "no build" setback.
- 4.19 KiwiRail seeks an associated matter of discretion which allows an adjoining landowner to seek consent to build within the setback area, provided they can demonstrate that such a design would not impact the ability for the rail network

⁶ Te Tai o Poutini Plan – Section 42A Officer's Report – Introduction and General Provisions at [119] and [123].

to operate safely. Resource consent can be sought as a restricted discretionary activity where the setback is not complied with (ie where a building is located within 5 metres of the rail corridor boundary), which allows the Council (and KiwiRail as a potentially affected party) to assess whether or not safety concerns can be adequately managed.

4.20 This control encourages landowners to carefully consider the space required to use and maintain new or altered (not existing) buildings through design. It is important that the TTPP provisions include matters of discretion relating to impacts on the safe and efficient operation of the rail network to direct the Council as to relevant effects. I therefore support the amendments to the matters of discretion and control across all zones in the TTPP set out in Attachment A of Ms Heppelthwaite's evidence.

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 railway network in the West Coast region.

Michelle Grinlinton-Hancock

2 October 2023

APPENDIX A

