

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, further
submitter 236) on Proposed Te Tai o
Poutini Plan ("TTPP")

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

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.
- 1.5 This statement has been prepared on behalf of KiwiRail and relates to the matters which KiwiRail submitted on that are contained in Topic 4 (District-Wide Matters – Energy, Infrastructure and Transport) of the TTPP.

2. KIWIRAIL ON THE WEST COAST

- 2.1 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.
- 2.2 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.
- 2.3 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.
- 2.4 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.
- 2.5 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.
- 2.6 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.
- 2.7 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.

3. SCOPE OF EVIDENCE

3.1 KiwiRail generally supports the Council Officers' (Ms Forno and Ms McGrath) recommendations in the s42A Report in relation to its submission points. KiwiRail's submission points which the Council Officers have accepted are not discussed further in this evidence.

3.2 In respect of the submissions that the Council Officers have recommended be rejected or accepted only in part, KiwiRail has the following comments:

| Submission number | Provision | Comments on Council Officers' recommendations |
|-------------------|----------------|---|
| S442.004 | Infrastructure | <p>KiwiRail sought a new definition for "land transport infrastructure" as follows:</p> <p><i>means the infrastructure, goods and services facilitating transport on land by any means. This includes coastal shipping and all fixed components of a transportation system, including roadways and bridges, railways, ports, cycle trails and other physical elements.</i></p> <p>The Council Officers recommended a definition be provided, but do not support the inclusion of "coastal shipping" as this is not related to land and they consider "goods and service" to be too broad.¹ The relief sought by KiwiRail is based on the definition of Land Transport and Infrastructure within the West Coast Regional Land Transport Plan 2021-2031. Coastal shipping requires land based infrastructure and it is important this is acknowledged in the definition.</p> |

¹ Te Tai o Poutini Plan – Section 42A Officer's Report – Part 2 District-Wide Matters (Energy, Infrastructure and Transport), page 108.

| Submission number | Provision | Comments on Council Officers' recommendations |
|-------------------|-----------|---|
| | | KiwiRail accepts the rejection of "goods and services". |
| S442.025 | INF-P2 | <p>KiwiRail supported the retention of INF-P2 as notified. The Council Officers have recommended minor amendments to replace "locational, technical and operational constraints" with "operational need and functional need".² KiwiRail opposes this replacement for the reasons set out in the evidence of Ms Heppelthwaite for Hearing Stream 1: Introduction and General Provisions and Strategic Direction matters. A more nuanced approach to "operational need and functional need" is required and these tests are more appropriately located in Part 2 Natural Environmental Values.³</p> |
| S442.026 | INF-P3 | <p>KiwiRail sought an amendment to INF-P3 to provide for maintenance, repair, upgrading, removal and development of infrastructure, as the current wording does not apply to all activities (ie rail activities) and is limited to operation only.</p> <p>The Council Officers recommended rejecting KiwiRail's relief on the basis that it is inconsistent with Policies 4.5 and 4.8 of the West Coast Regional Policy Statement.⁴ However, Policy 4.5 appears to be related to historic heritage and there does not appear to be a Policy 4.8. Policy 6.4 requires recognition "that RSI important to the West Coast's wellbeing needs to be</p> |

² Section 42A Officer's Report, page 115.

³ Statement of evidence of Catherine Heppelthwaite on behalf of KiwiRail Holdings Limited dated 2 October 2023 at [9.24] – [9.27].

⁴ Section 42A Officer's Report, page 119.

| Submission number | Provision | Comments on Council Officers' recommendations |
|----------------------|-------------------|---|
| | | protected from the reverse sensitivity effects arising from incompatible new subdivision, use and development, and the adverse effects of other activities, which would compromise the effective operation, maintenance, upgrading, or development of the infrastructure" (my emphasis). KiwiRail's relief is therefore consistent with the direction in the Regional Policy Statement. |
| S442.030 S442.031 | INF-R7 INF-R26 | <p>KiwiRail sought an amendment to INF-R7 and INF-R26 to ensure the rules apply to rail infrastructure, as it considers it is essential to capture rail activities within these rules.</p> <p>The Council Officers recommended rejecting KiwiRail's relief as rail infrastructure is appropriately provided for within the Transport Chapter.⁵ KiwiRail accepts this position and will not pursue this relief further.</p> |
| S442.014 | Transport | <p>KiwiRail sought a new definition for "transport network" as follows:</p> <p><i>means all rail, public roads, public pedestrian, cycle and micro-mobility facilities, public transport and associated infrastructure.</i></p> <p>The Council Officers recommended rejecting KiwiRail's relief because the definition is appropriately summarised in the overview of the Transport Chapter.⁶ KiwiRail considers a definition would be beneficial as the overview does not include</p> |

⁵ Section 42A Officer's Report, pages 130 and 137.

⁶ Section 42A Officer's Report, page 143.

| Submission number | Provision | Comments on Council Officers' recommendations |
|-------------------|-----------|---|
| | | components of the transport network such as public transport or micro mobility infrastructure, however KiwiRail accepts the Council Officers' position and will not pursue this relief further. |

4. RAILWAY LEVEL CROSSING SIGHT LINES

4.1 KiwiRail sought the inclusion of a new rule and standard to protect railway level crossing sight lines⁷ as follows:

- (a) **TRN-RX: Sight Lines at Railway Level Crossings** – compliance with TRN-SX would provide for development as a permitted activity, with non-compliance requiring a restricted discretionary activity consent. Discretion is restricted to the potential for adverse effects on the safety and efficiency of the rail network.
- (b) **TRN-SX: Level Crossing Sight Triangles** – buildings, structures, planting or other visual obstructions must not be located within the restart or approach sight line areas of railway level crossings as shown in the shaded areas of *Figure 1 – TRN: Restart Sightlines* and *Figure 2 – TRN: Approach Sightlines*.

4.2 The Council Officers agree that railway level crossings need to be considered in relation to sight lines and design, however consider that KiwiRail has provided insufficient technical evidence and no s32 evaluation to support the relief sought in its submission.⁸

⁷ Submission 442.043.

⁸ Section 42A Officer's Report, page 142.

Types of sight line controls

- 4.3 There are two types of sight lines in operation at level crossings: "approach" and "restart" sight lines. The approach sight line is larger and usually extends beyond the designated rail corridor. A road vehicle driver approaching a level crossing with a Give Way sign must be able to either: (a) see an oncoming train with sufficient time to stop before reaching the level crossing; or (b) continue at their approaching speed to cross safely ahead of a previously unseen train, or a train far enough away, to avoid a threat of collision.
- 4.4 The restart sight line is used when a train has passed and the road vehicle driver moves across the level crossing and is largely accommodated within KiwiRail's designated corridor. Restart sight lines apply to all passive crossings (ie a Stop sign or Give Way sign fitted with warning bells) but not those with barriers.
- 4.5 KiwiRail's proposed rule and standard mean that the restart and approach sight line areas shown in Figures 1 and 2 (**attached as Appendix A**) will be kept free of physical obstructions, and avoid the poor location of land uses which can obstruct the required safety sight lines for railway level crossings. These have been prepared based on the standard included in Part 9 of the Waka Kotahi New Zealand Transport Agency Road Manual.

Need for sight line controls

- 4.6 Although level crossing accidents make up a low proportion of accidents, they have a greater probability of a death or serious injury than other road accidents. This is largely to do with the mass and speed of a train and the inability of trains to brake or take evasive action. Level crossings are a hazard to both train operators and road traffic, and every effort should be made to manage risks associated with them. Level crossing sight lines are designed to ensure road vehicle drivers have sufficient visibility along the rail tracks, and that obstructions do not block the visibility of level crossing signs or alarms to approaching drivers.
- 4.7 KiwiRail has statutory authority to require the removal of vegetation and other obstructions from these sight lines under the Railways Act 2005.⁹ However, if KiwiRail needs to exercise this power, it means that the sight lines area is already obstructed, with potentially significant and fatal consequences. The relief sought by KiwiRail means sight line controls will apply at the point of development and minimise the risk of obstructions actually occurring.

⁹ Railways Act 2005, s77.

4.8 In KiwiRail's experience, sight line rules and standards are included in the majority of district plans around the country. This is a matter that KiwiRail almost never provides evidence on as sight line controls are either automatically included or KiwiRail's submissions seeking their inclusion are accepted. Recent examples of provisions included in district plans are:

- (a) Partially Operative Selwyn District Plan: TRAN-R9 "Structures and trees near level crossings".
- (b) Proposed New Plymouth District Plan: TRAN-S6 "Minimum sight distances at railway level crossings".
- (c) Proposed Waikato District Plan: TRPT-R1(1)(a)(viii) "All existing and new accesses and roads that cross an operational rail network via a level crossing must be maintained in accordance with the sight line triangles provided in Table 14 – Required restart sight distances for Figure 18".

Policy TRN-P3

4.9 KiwiRail also sought an amendment to TRN-P3 to ensure buildings, structures, planting or other visual obstructions are restricted within sight lines of rail level crossings as follows:

Maximise user safety at road and rail level crossings by ~~considering the location of~~restricting buildings, structures, planting and other visual obstructions within sight lines.

4.10 The Council Officers recommended rejecting KiwiRail's relief because the inclusion of "restricting" is onerous; there is a lack of s32 support for this amendment; and structures and planting are caught by the term "other visual obstructions". The sight line control only affects a small portion of land near a rail level crossing. Obstruction of sight lines could have significant safety implications for both the road user and the rail user. Obstructions should be restricted in these sight lines, rather than simply requiring the consideration of their location. "Restricting" does not mean "prohibited" but conveys the intention that buildings, structures, planting and other visual obstructions should generally not be located within sight line control areas.

4.11 The inclusion of "structures" and "planting" provides assistance to a plan reader regarding what might constitute a visual obstruction.

Section 32AA analysis

4.12 Having regard to s32AA of the RMA, I comment as follows:

- (a) *Effectiveness and efficiency:*
- (i) Providing no sight line control will not support an efficient outcome generally as incursions can lead to disruption to the rail network / inefficient operation and endanger safety.
 - (ii) The controls will give effect to Policy TRN-P3 of the TTPP.
 - (iii) The controls will give effect to Policy 6.4 of the West Coast Regional Policy Statement which provides that regionally significant infrastructure (such as the rail network) needs to be protected from the reverse sensitivity effects arising from incompatible new subdivision, use and development, and the adverse effects of other activities, which would compromise the effective operation, maintenance, upgrading, or development of the infrastructure.
 - (iv) The proposed changes will be more efficient and effective than other methods (such a designating a wider corridor to provide a sight line control) as it provides flexibility of use by resource consent, allowing for situations where an obstruction may have no effect on the sight line.
- (b) *Costs / benefits:*
- (i) The recommended amendments will limit building, structures, planting and other visual obstructions in some locations (cost). However, this will affect a very limited proportion of land in the region.
 - (ii) The benefits are providing for safer and more efficient rail and road networks.
- (c) *Risks of not acting / acting:* The risk of road / rail collisions at level crossings increase where safety sight lines are compromised. This risk has significant consequences, potentially resulting in serious injury or death.
- (d) *Most appropriate option:* The proposed amendments sought by KiwiRail are the most appropriate option as they enable people and

communities to provide for their social, economic, and cultural well-being and for their health and safety, while avoiding, remedying or mitigating adverse effects on nationally significant infrastructure.

Michelle Grinlinton-Hancock

3 November 2023

APPENDIX A – TRIANGLES FOR RESTART SIGHTLINES AND APPROACH SIGHTLINES

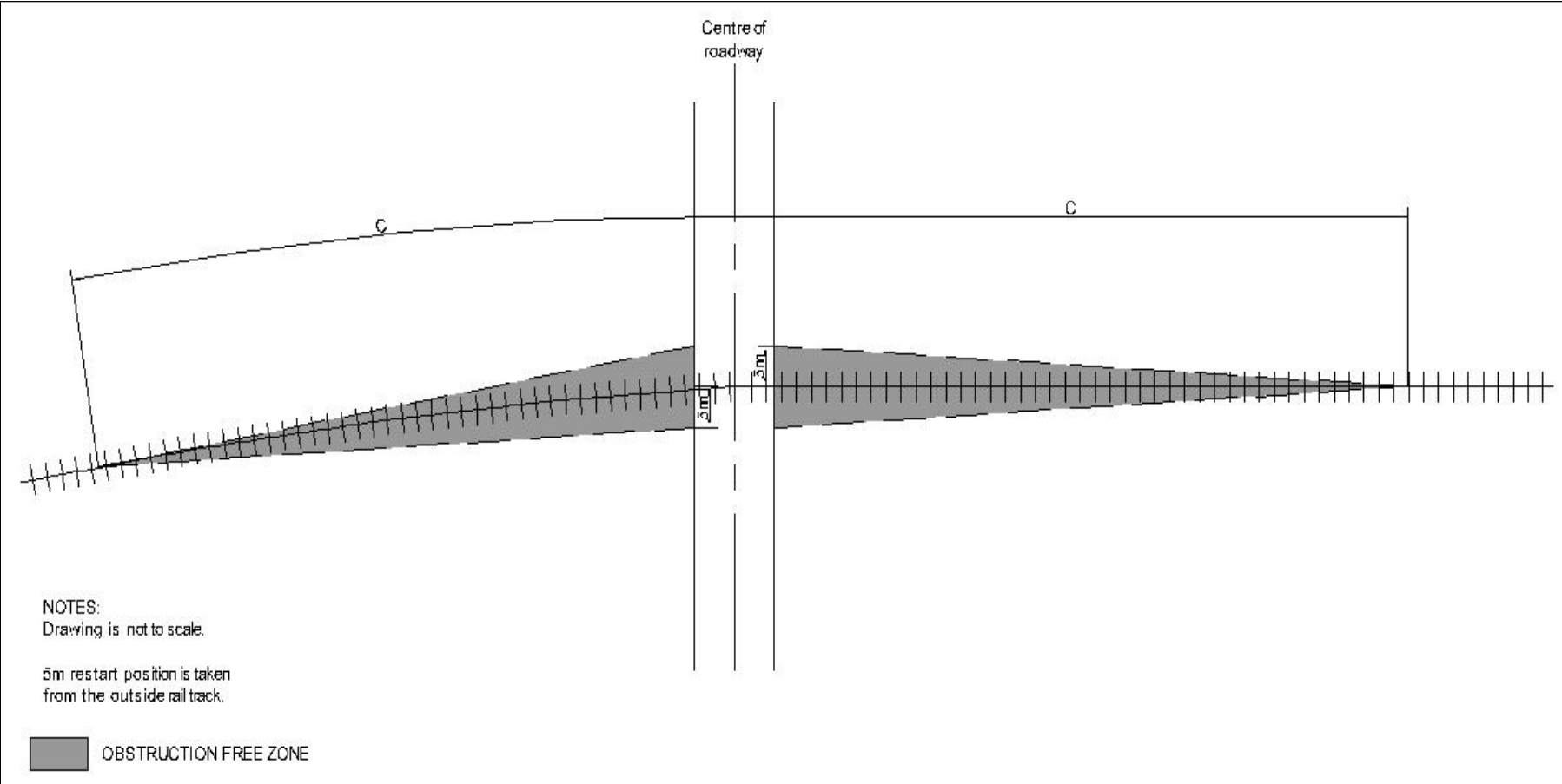


Figure 1 – Restart Triangles for Level Crossings

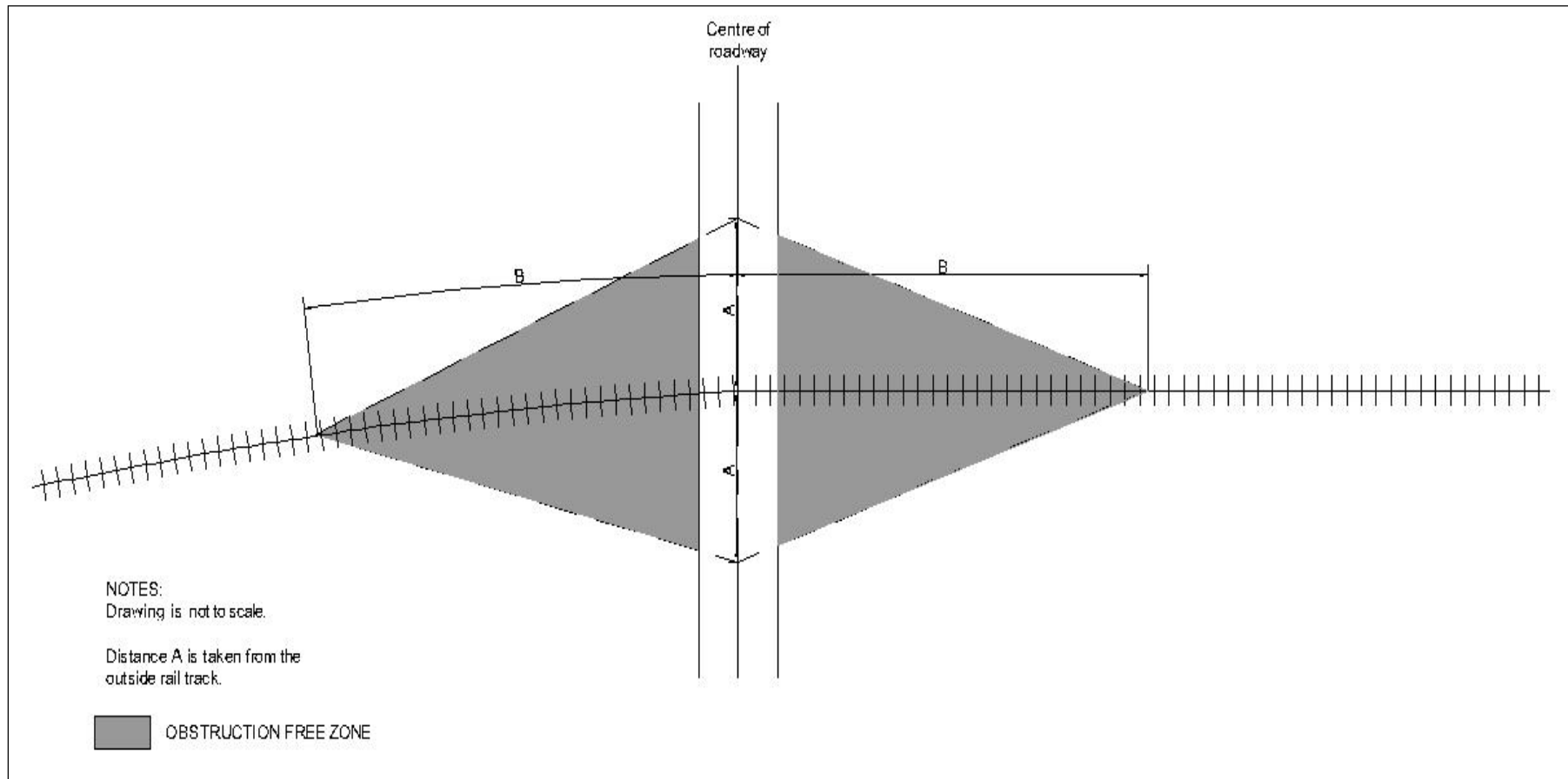


Figure 2 – Approach Sight Triangles for Level Crossings