

BEFORE THE INDEPENDENT COMMISSIONERS

IN THE MATTER

of the Resource Management Act 1991
("RMA")

AND

IN THE MATTER

a submission by KiwiRail Holdings
Limited ("**KiwiRail**") (submitter 187) on
Hearing B1 – Rural Zones and Hearing
B2 – Urban Zones of the Timaru
Proposed District Plan ("**Proposed
Plan**")

**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 Manager of the RMA Team 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, Team Leader and now Manager of the RMA Team for over four years.

2. SUMMARY

2.1 My evidence will outline:

- (a) KiwiRail's infrastructure and activities within the Timaru District; 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 associated matters of discretion. This setback is not only critical to ensure the health and safety of the 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 IN THE TIMARU 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 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. The designated rail corridor of the Main South Line ("**MSL**") passes through the Timaru District and is a key part of the national rail network. The MSL is a very busy line that has services (comprising up to 24 trains per day) scheduled between Monday and Saturday. The line between Timaru and Washdyke currently services between 12 to 14 daily trains, while there are 10 daily trains that run through the Timaru District without stopping. The MSL in the Timaru District is scheduled to be used multiple times 6 days per week, with heavier traffic on weekdays.

3.3 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 a given route. It can also result in upgrades to the network that 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 rail corridor can be incredibly disruptive to rail services, creating unnecessary and cascading delays to passengers and freight. KiwiRail therefore seeks setback controls from the rail corridor boundary for development on land adjacent to the rail 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**. Both Mr MacLennan (reporting for the Rural Zones) and Ms White (reporting for the Residential, Commercial and Mixed Use Zones) acknowledge that setback controls are not sought to address potential reverse sensitivity effects from noise associated with the railway network, noting such effects are addressed in Rule NOISE-R9 requiring acoustic insulation of noise sensitive activities.¹
- 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. This includes the General Rural and Settlement Zones that are the subject of Hearing B1, and the various zones that are the subject of Hearing B2.²
- 4.5 KiwiRail's submission also sought two matters of discretion relating to impacts on the safe and efficient operation of the rail network when there is non-compliance with the setback rules in all zones.³ This will ensure the Council (and KiwiRail as a potentially affected party) has an opportunity to assess whether or not safety concerns can be adequately managed where the setback

¹ Section 42A Report: Rural Zones authored by Andrew MacLennan dated 19 June 2024 at [8.6.3]; Section 42A Report: Residential, Commercial and Mixed Use Zones authored by Liz White dated 18 June 2024 at [6.36.3].

² The zones that are the subject of Hearing B2 include the General Industrial, Port, General Residential, Medium Density Residential, Large Format Retail, Mixed Use, Town Centre, and City Centre Zones.

³ Submission point 187.85.

is not complied with (ie where a building or structure is located within 5 metres of the rail corridor boundary).

- 4.6 The Council Officers reporting for Hearing B1 and Hearing B2 have all raised concerns with the efficiency of applying a 5 metre setback to any boundary with a rail corridor. The need for the setback to be 5 metres is addressed in paragraphs 4.14 – 4.17 below. The Council Officers suggest the setback controls sought by KiwiRail could result in a substantial area of land being unable to be developed in the absence of applying for a resource consent.⁴ A setback control does not blight private land – other uses are enabled in the safety buffer area and resource consent is able to be granted where safety matters are adequately addressed by the applicant.

Need for safety setbacks

- 4.7 The Council Officers have implied that setback controls are sought for "very limited purposes", namely, to provide vehicular access or scaffolding at the rear of a building that adjoins the rail corridor.⁵ I do not agree the control has only a very limited purpose. The setback control allows sufficient space within a site adjacent to the rail corridor for the landowner / occupier to be able to maintain and access their building safely – without accessing the rail corridor to do so, or getting too close to heavy freight trains. Maintenance is a regular and necessary ongoing requirement. Clause B2 Durability of the Building Code requires a building to be designed for a minimum of 50 years, with some building elements requiring a life of 15 or 5 years. These elements need maintenance, repair, or replacement throughout a building's life.
- 4.8 Buildings constructed close to the rail corridor do not leave enough space on a site for essential maintenance activities. The lack of space means it is highly likely these activities can only happen by accessing the rail corridor.
- 4.9 The safety setback also acts to protect rail operations from interference and ensure the safety of KiwiRail's staff and those communities located near the railway network. Buildings built right up on the rail corridor 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

⁴ Section 42A Report: Rural Zones at [8.6.3]; Section 42A Report: Residential, Commercial and Mixed Use Zones at [6.36.3]; Section 42A Report: General Industrial and Port Zones authored by Alanna Hollier dated 20 June 2024 at [7.25.2].

⁵ Section 42A Report: Rural Zones at [8.6.3]; Section 42A Report: Residential, Commercial and Mixed Use Zones at [6.36.3]; Section 42A Report: General Industrial and Port Zones at [7.25.2].

maintenance. 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.

- 4.10 The rail corridor has a very different and high consequence risk profile compared to entering other sites. Heavy freight trains run at speed along the MSL. 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.
- 4.11 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 rail network and onerous for landowners / occupiers to have to use each time they wish to undertake maintenance on their own properties. 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.
- 4.12 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 delays, 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 an adjoining site for the landowner / occupier to access their building safely.
- 4.13 The Council Officers have also noted it is unclear which policies and objectives of the Proposed Plan that a safety setback is intended to implement and / or achieve.⁶ I refer to the planning evidence of Mr Gifford on this point.

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

⁶ Section 42A Report: Rural Zones at [8.6.3]; Section 42A Report: Residential, Commercial and Mixed Use Zones at [6.36.3]; Section 42A Report: General Industrial and Port Zones at [7.25.2].

other land uses, for example, equipment required for drainage works (eg the operation of diggers which require approximately 3 to 5 metres for operation) and mobile height access equipment (eg scissor lifts or cherry pickers).

- 4.15 The setback distance should also take into account appropriate support structures for scaffolding (such as outriggers) and the 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 the persons operating 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 a 5 metre setback 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.

5. CONCLUSION

- 5.1 For the reasons set out in the evidence of Mr Gifford and above, the setback controls sought by KiwiRail are appropriate and necessary for the safe and efficient operation of the railway network in the Timaru District.

Michelle Grinlinton-Hancock

5 July 2024

APPENDIX A

