

**BEFORE INDEPENDENT COMMISSIONERS**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of Variation 1 to the Proposed Porirua District Plan ("**Variation 1**")

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

**PLANNING**

**1. INTRODUCTION**

- 1.1 My name is Michelle Grinlinton-Hancock and I am the RMA Team Leader for KiwiRail Holdings Limited ("**KiwiRail**").
- 1.2 I have over 20 years RMA and planning experience and I am a full member of the New Zealand Planning Institute. I graduated from Massey University in 2000 with a Bachelors of Resource and Environmental Planning (Hons).
- 1.3 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 as well as submitted on district and regional plan provisions on behalf of clients. Prior to working for KiwiRail, while I was employed at WSP I was the programme manager for the Ministry of Environment Making Good Decisions program, and I am also a certified Commissioner under the Ministry of Environment Making Good Decisions programme.
- 1.4 I have worked for KiwiRail in the capacity as a Senior RMA Advisor and now as Team Leader for three years.
- 1.5 This statement has been prepared on behalf of KiwiRail and relates to the matters relating to Variation 1 contained in Hearing Stream 7 which KiwiRail submitted on.

## 2. CODE OF CONDUCT

2.1 While this is a Council hearing, and I am a KiwiRail employee, I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

## 3. KIWI RAIL IN THE PORIRUA DISTRICT

3.1 KiwiRail is the State-Owned Enterprise responsible for the management and operation of the national railway. KiwiRail's activities include managing railway infrastructure and land, as well as rail freight and passenger services within New Zealand. KiwiRail is also the Requiring Authority for land designated for "Railway Purposes" (or similar) in District Plans throughout New Zealand.

3.2 KiwiRail's North Island Main Trunk Line ("**NIMT**") passes through the Porirua District. The NIMT is of regional and national importance, supporting the movement of freight through the country via rail. Growth in use of the NIMT will be influenced by the desire to achieve a low-carbon economy and the mode shift in freight moving off roads and onto rail, as well as increased rail commuter demand. This growth in rail is anticipated to require electrification to extend further north from central Wellington potentially as far as the Horowhenua District, alongside the extension of the expressway network.

3.3 The Porirua area is forecast to experience considerable population growth over the next 25 years, which is expected to place additional demand upon the rail network. In response to this forecast growth KiwiRail has enacted the Wellington Metro Upgrade Programme ("**WMUP**"), a programme of work to renew existing infrastructure and to add capacity. It includes the PACE project, which involves several works in the vicinity of the Plimmerton train station, including:

- (a) the replacement and upgrading of existing rail infrastructure (ie signals and overhead lines);
- (b) improvements at Styene Avenue;
- (c) realignment of the existing tracks;
- (d) establishment of an additional downmain (the existing downmain will be used to provide a new passing loop for freight trains);
- (e) a new station platform at Plimmerton train station;

- (f) new crossovers and alterations to existing level-crossings;
- (g) extension of the northern underpass; and
- (h) a pedestrian subway.

3.4 The projects within the WMUP have been designed to deliver upon the benefits outlined in the Wellington Metro Railway – Unlocking Capacity and Improving Resilience Business Case by:

- (a) improving peak service frequency and capacity to provide a higher quality passenger rail service;
- (b) catering for forecast peak passenger growth through to 2030;
- (c) enabling a new timetable with an enhanced AM peak; and
- (d) reducing the potential for conflict between services.

#### **4. SCOPE OF EVIDENCE**

4.1 My evidence responds to the relevant Hearing Stream 7 s42A reports and in particular I refer to the Officers Report: Part A- Overarching Report and the reporting planner's recommendations regarding provisions that relate to the rail corridor as a qualifying matter. In its primary submission KiwiRail supported the retention of the rail corridor as a qualifying matter, and sought the following amendments to the setback provisions:

- (a) amendment of setback standards in MRZ-S5, HRZ-S4, LCZ-S3 and MUZ-S3 from 1.5m to 5m; and
- (b) introduction of a 5m setback standard for any other zones adjoining the rail corridor affected by Variation 1.

#### **5. SETBACKS**

5.1 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. This can also result in upgrades to the network that can provide passing opportunities for trains, or other associated rail improvements.

5.2 As an asset of regional and national significance, it is important 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 delays to passengers and freight.

For development on land adjoining the corridor, an efficient and effective means of ensuring that the risk of interference is mitigated is through a physical building setback from the boundary of the rail corridor.

- 5.3 A setback is important to provide enough space within the adjoining site for maintenance and cleaning of buildings and preventing unintentional incursion into the corridor. Buildings right up on the boundary (or too close to the boundary) would not have enough space on site for these ancillary activities. Accessing the rail corridor intentionally or inadvertently for cleaning and maintenance is a safety issue. This is particularly the case in areas where buildings are taller, as buildings become more difficult to maintain and require additional equipment like scaffolding for maintenance, which often inadvertently enter the railway corridor.
- 5.4 The closer a building is to the railway, the more likely it is that objects from open windows are inadvertently thrown onto the track and become obstructions. This becomes a safety issue for rail employees who need to remove the obstruction, not to mention train drivers and passengers on trains if the obstruction is not removed in time. It also becomes a safety issue for residents who seek to retrieve the item from the track, due to danger from both trains and the electrified line.
- 5.5 A physical setback also manages adverse effects on safety of the adjacent occupiers and 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.

**Comments on key recommendations**

- 5.6 In respect of the submissions that the reporting planner has recommended be rejected or accepted only in part, KiwiRail has the following comments:

Submission number	Provision	Comments on reporting planner recommendations
OS72.1-8 and OS72.10-11	Setbacks in various zones	<p>KiwiRail's original submission on the proposed plan sought an amendment to the standards in various zones requiring a setback of at least 4 metres (although it was noted that a setback of 5m would be preferred) from the rail corridor. The reporting planner in the s42A notes the discrepancy between the 4m asked for as part of the schedule 1 process and 5m requested as part of the Variation 1 process. Given the additional height provided for by the MDRS 5m was considered appropriate – hence the change between 4 and 5m.</p> <p>The reporting planner notes that as part his right of reply in relation to the provision of setbacks as heard under hearing stream 4 that he considers a setback of 1.5m sufficient and that he maintains his position on the matter.</p>

		<p>The primary intent of the provisions is to manage safety risks of development adjoining the corridor. Buildings need to be setback a sufficient distance to ensure that use of those buildings as well as fixtures on the buildings such as signs and awnings, on buildings immediately adjoining the rail boundary can be undertaken safely and do not interfere with the rail corridor. The space within a building setback is necessary to minimise the risks of activities that may not otherwise be seen as creating safety risks (such as water blasting and using equipment like ladders) from interfering with the rail corridor. It is particularly important to manage these activities where the rail line is electrified (as in the case of Porirua), as activities such as spray drift from water blasters could have significant consequences if it interferes with the electrified lines or impedes visibility for train drivers. A physical setback is an efficient and effective method of minimising the risk of these activities interfering with the rail corridor.</p>
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## 6. RELEVANT NATIONAL AND REGIONAL PLANNING PROVISIONS

### Regional Policy Statement ("RPS")

6.1 There is a statutory obligation for district plan changes to give effect to the relevant regional policy statement. The RPS for the Wellington Region is the relevant higher order planning document.

6.2 The first relevant policy is Policy 7 which relates to recognising the benefits from renewable energy and regionally significant infrastructure – regional and district plans. This policy is relevant in that the inclusion of the level crossing provisions and setback from level crossings gives effect to P7(a)(i):

District and regional plans shall include policies and/or methods that recognise:

a) the social, economic, cultural and environmental benefits of regionally significant infrastructure including:

(i) people and goods can travel to, from and around the region efficiently and safely;

6.3 The other relevant policy is Policy 8. This policy has been referenced in the s42A report and relates to protecting regionally significant infrastructure – regional and district plans. The policy states:

District and regional plans shall include policies and rules that protect regionally significant infrastructure from incompatible new subdivision, use and development occurring under, over, or adjacent to the infrastructure:

6.4 The explanation attached to the policy outlines that:

Regionally significant infrastructure is an important physical resource that enables people and communities to provide for their social, economic and cultural wellbeing, and their health and safety.

It also goes on to say:

Protecting regionally significant infrastructure does not mean that all land uses or activities under, over, or adjacent are prevented.

- 6.5 The definition of Regionally Significant infrastructure includes the Strategic Transport Network as defined in the Wellington Regional Land Transport Strategy 2007-2016, which includes the NIMT and 4 other rail lines. The above policies recognise the potential for adverse effects on the railway network to arise from inappropriate subdivision, use and development and provide clear support for the inclusion of measures in the Proposed Plan to appropriately manage the interface between regionally significant transport networks and urban form.

## **7. RMA – PART 2**

- 7.1 Although I do not consider that reference to Part 2 is required in assessing the appropriateness of the Proposed Plan provisions, for completeness, I consider that without the amendments sought by KiwiRail the recommendations in the section 42A report will result in an outcome that is not consistent with the sustainable management purpose of the RMA.

**Michelle Grinlinton-Hancock**  
**24 February 2023**