

**In the Matter of the Resource Management Act 1991**

**AND**

**In the Matter of KiwiRail Holdings Ltd Notice of Requirement to alter an existing designation at Tilley Road, Paekakariki (Council Application Number RM170060)**

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**Joint Statement of Expert Planning Witness Conferencing**

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**Introduction**

1. This Joint Statement is written in response to the Directions/Minute of the Panel #2 dated 10 November 2017.
2. Item 9 of the aforementioned Directions/Minute requests that all parties have their expert witnesses' conference on matters relevant to their specific area of expertise, in order to identify areas of agreement and disagreement which can then be noted in the reports and evidence.
3. This Joint Statement has been prepared by Tom Anderson of Incite in his capacity as a planning expert engaged by KiwiRail Holdings Limited (KiwiRail) and Phillip Hindrup in his capacity as a planning expert engaged by Kapiti Coast District Council (KCDC). We understand that none of the submitters are calling any expert planning evidence.
4. Expert conferencing occurred on 10 January 2018.
5. Tom Anderson's qualifications and experience will be set out in his evidence in chief prepared for this hearing, with Phillip Hindrup's qualifications and experience being set out in his Section 42A report.
6. We confirm that we have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014. This joint statement has been prepared within our area of expertise except where we have stated that we are relying on the evidence of another person. We have not omitted to consider material facts known to us that might alter or detract from our expressed opinions.

**Scope**

7. This joint statement covers:

- what we consider the actual and potential effects of the Notice of Requirement to be; and
  - proposed conditions which would appropriately avoid, remedy or mitigate those effects (based upon the proposed wording of the draft conditions prepared by Mr Hindrup and included as Section R of his Section 42A Report (herein referred to as the “draft designation conditions”).
8. The statement concludes with a summary of the areas of agreement and disagreement, and a statement concerning the designation alteration’s consistency with relevant objectives and policies of the Operative and Proposed Kapiti Coast District Plans, as well as Part 2 of the Resource Management Act 1991 (“RMA” or “the Act”).
9. Prior to our conferencing, we were provided with the *Acoustics – Joint Witness Statement*, dated 11 December 2017 (hereafter referred to as the “Acoustic Joint Statement”) and a draft of the *Joint Expert Witness Statement (Traffic)* dated 22 December 2017 (hereafter referred to as the “Traffic Joint Statement”). These documents were considered in our conferencing.
10. Please note that, for the purposes of this statement, we refer to the five allotments which KiwiRail seek to include within their current designation in both the Operative and Proposed Kapiti Coast District Plans collectively as “the subject site”.

#### **Actual and Potential Effects of the Notice of Requirement**

11. We agree that the actual and potential effects of the Notice of Requirement are:
- Noise and vibration effects;
  - Traffic effects;
  - Effects on residential character and amenity;
  - Effects from light spill; and
  - Effects from dust.
12. The conferencing outcome on each of these effects are detailed in the following subsections.

#### Noise and Vibration Effects

13. We agree that noise emanating from the subject site is a contentious issue for the submitters, and agree that this effect can be appropriately mitigated through a condition placed on the designation which requires KiwiRail to operate the site under a Noise Management Plan.
14. We agree that no further mitigation is required in relation to noise and vibration effects.

### Traffic Effects

15. We agree that, should the level of activity within the subject site necessitate, the recommendations included in the Traffic Joint Statement should be implemented. The implementation of those recommendations will appropriately mitigate any actual and potential adverse traffic effects resulting from the alteration to the designation. We also agree that the recommendations in the Traffic Joint Statement will only be necessary should the activity being undertaken within the subject site necessitate a certain number of heavy trade vehicle movements per day, over a number of consecutive days.
16. We agree that no further mitigation is required in relation to traffic effects.

### Residential Character and Amenity Effects

17. We agree that effects on residential character and amenity, notably on those immediately adjoining neighbours to the west of the site (being 24, 26A, 26B, 28, 28A and 32 Tilley Road) can be appropriately mitigated through providing a landscaped buffer. This buffer, alongside the aforementioned agreement to operate the site under the direction of a Noise Management Plan, will appropriately mitigate any actual or potential adverse effects arising from railway purposes activities being undertaken on the site.
18. We also agree that the existing topography and separation distances to other residential properties in close proximity to the north and east of the subject site, as well as the Noise Management Plan requirement, is appropriate mitigation in terms of residential amenity effects potentially experienced at those properties.
19. We agree that no further mitigation is required in relation to residential character and amenity effects.

### Light Spill Effects

20. We agree that light spill from the subject site can be appropriately mitigated through a condition placed on the designation.
21. We agree that no further mitigation is required in relation to light spill effects.

### Dust Effects

22. We agree that any actual or potential effects resulting from activities that may generate dust from within the subject site can be appropriately mitigated through a condition placed on the designation.
23. We agree that no further mitigation is required in relation to dust effects.

## **Conditions**

24. To conclude the conferencing, we discussed the draft designation conditions, and agree in principle that conditions be placed on the designation (insofar that they apply solely to the subject site). There was both agreement and disagreement with regard to the wording of the draft designation conditions, in particular to Conditions 1, 2 and 4, as detailed below.

### **Areas of Agreement**

25. Overall, we agree that:

- The actual and potential adverse environmental effects of the alteration to the designation are noise and vibration; traffic; residential character and amenity, light spill and dust effects.
- That these effects can be appropriately avoided, remedied or mitigated through conditions placed on the designation; and
- That the conditions placed on the designation should be limited to the subject site, and not be applicable across the entirety of KiwiRail's designation in both the Operative and Proposed Kapiti Coast District Plans.

### **Areas of Disagreement**

26. We failed to reach agreement on the following matters:

- The detail of Condition 1 of the draft designation conditions, in so far as to the point in time that a landscape strip is required. Mr Hindrup is of the opinion that the landscaping should be undertaken as part of an Outline Plan of Works. Mr Anderson is of the opinion that it should be undertaken when works within the site are of a sufficient intensity. Note, there is no disagreement on the proposed location, depth and height of the landscaping required under Condition 1.
- The detail of Condition 2 of the draft designation conditions, regarding the requirement for a noise management plan. Mr Anderson wished to reserve his position on this until it had been discussed with KiwiRail's acoustic expert. Mr Anderson also wishes that a process be established within Condition 2 which allows any noise management plan to be reviewed and updated on a regular basis. Note, we both agree that a noise management plan condition is appropriate.
- The detail of Condition 4 of the draft designation conditions, regarding traffic matters. Mr Anderson considers that the recommendations of the Traffic Joint Statement be included

within this condition, and wished to reserve his position on this until it had been discussed with KiwiRail's traffic expert.

**Consistency with relevant Objectives and Policies, and Part 2 of the Act**

27. Overall, we agree that with the imposition of conditions relating to the above effects, the alteration of the designation will be consistent with the relevant objectives and policies of the Operative and Proposed Kapiti Coast District Plans, and with the relevant provision outlined in Part 2 of the Resource Management Act 1991.



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**Phillip Hindrup**



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**Tom Anderson**

**Dated** 10 January 2018