BEFORE INDEPENDENT COMMISSIONERS

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of Proposed Plan Change 2 to the Operative Kāpiti Coast District Plan

MEMORANDUM OF COUNSEL ON BEHALF OF KIWIRAIL HOLDINGS LIMITED IN RELATION TO PLAN CHANGE 2 TO THE OPERATIVE KĀPITI COAST DISTRICT PLAN

20 MARCH 2023



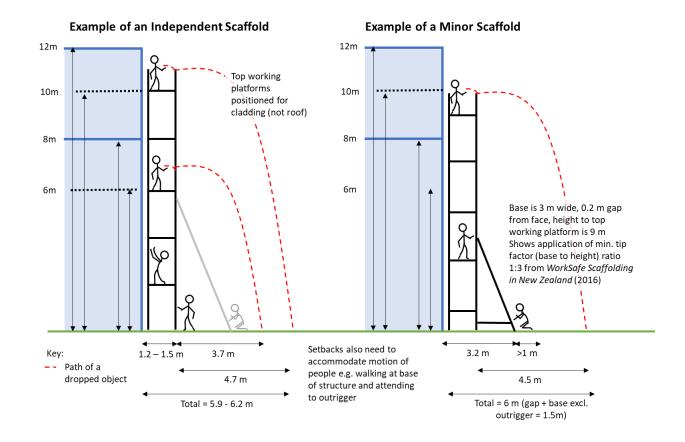
A A Arthur-Young | K L Gunnell P +64 9 367 8000 F +64 9 367 8163 PO Box 8 DX CX10085 Auckland

- KiwiRail provided the following briefs of evidence in support of its submission on Plan Change 2 on 10 March 2023:
 - (a) Michael Brown Corporate
 - (b) Stephen Chiles Noise and Vibration
 - (c) Catherine Heppelthwaite Planning
- Legal submissions on behalf of KiwiRail were provided on 15 March
 2023. KiwiRail is being heard tomorrow afternoon.
- 3. Mr Brown's statement of evidence addresses the need for setbacks and the reasons why KiwiRail has sought a 5 metre setback. At paragraph 5.9 of his evidence Mr Brown references the WorkSafe Guidelines on Scaffolding in New Zealand ("WorkSafe Guidelines") in relation to scaffolding design for tower and mobile scaffolds.
- 4. In paragraph 5.9 Mr Brown uses the WorkSafe Guidelines to calculate a width of 4 metres for a 3 storey building of around 12 metres.
- 5. To assist the Panel and the parties, Mr Brown has had prepared a diagram that illustrates the points outlined above (attached as Appendix A). Mr Brown is happy to speak to this diagram during his presentation to the Hearing Panel on 21 March 2023.

DATED: 20 March 2023

K L Gunnell

Counsel for KiwiRail Holdings Limited



Appendix A – Diagram