

**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

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**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**

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

1. 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
2. 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

