

1. INTRODUCTION

- 1.1 My name is Susannah Vrena Tait. I am a Partner at Planz Consultants Limited. My experience and expertise is set out in my Evidence in Chief (**EIC**), dated 25 August 2023. I am providing planning rebuttal evidence on behalf of Kāinga Ora – Homes and Communities (**Kāinga Ora**) in respect of PC92.
- 1.2 As set out in my EIC, I confirm that I have read the Environment Court's Code of Conduct contained in the Environment Court Practice Note 2023 and agree to comply with it. I confirm that the issues addressed in this statement of evidence are 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.

2. SCOPE OF REBUTTAL EVIDENCE

- 2.1 This rebuttal statement of evidence focuses on the evidence provided on behalf of KiwiRail by Mr Michael Brown (corporate), Ms Catherine Heppelthwaite (planning) and Mr Stephen Chiles (acoustic) and the relief KiwiRail is seeking in respect of intensification in close proximity to the East Coast Trunk Line, which passes through Ōmokoroa and Te Puke.

Setback from KiwiRail boundary

- 2.2 As notified, PC92 'rolls over' the existing 10m building (and structures) setback from the railway corridor. KiwiRail¹ submitted that the 10m setback (Rule 14A.4.1(d)(ii)(b)) be retained and confirmed as a qualifying matter (**QM**) (on the basis that this provides for maintenance of properties without the need for access over the rail corridor). The reporting officer² has recommended that the KiwiRail submission be accepted as the 10m is an existing setback in the WBOPDP.

¹ Submission 30.1

² S42A Report, Section 14A, Part 2

- 2.3 The evidence of Mr Brown confirms³ *'KiwiRail generally seeks a 5 metre safety setback from the boundary of the rail corridor as being sufficient to enable landowners to use and maintain buildings safely while ensuring the provision of a safe and efficient rail network. While KiwiRail would support the retention of the 10 metre setback, KiwiRail would also agree to 5 metres being adopted, consistent with KiwiRail's submissions in other districts'*. Mr Brown's evidence includes a diagram⁴ which shows the practical area that he considers is necessary to maintain a house.
- 2.4 The position of Kāinga Ora, which I support, is that a 2.5m setback is sufficient to enable a property to be maintained.
- 2.5 As noted in my EIC, I accept that the rail corridor is eligible for protection (by way of a QM) pursuant to S771(e) of the Housing Supply Act. I also agree with the assessment⁵ of Ms Heppelthwaite that a setback is the most effect and efficient planning tool to manage the effect. However, I do not consider that the width of the proposed setback aligns with the requirement under s 771 that any restriction should only be to the extent necessary to accommodate the QM.
- 2.6 When considering the distance of a building from a boundary, the height in relation to boundary (HIRB) is also relevant (in addition to the setback). In order to achieve the 12m building depicted in Appendix A to Mr Brown's evidence (i.e. 12m vertical), the building would need to be setback 5m from the boundary. This would satisfy the 5m minimum acceptable setback put forward by KiwiRail as an alternative. However, if a building were constructed closer to the boundary it would not be able to achieve the 12m vertical height (as a permitted activity). With a 2.5m setback (as proposed by Kāinga Ora), a HIRB-compliant building could be no higher than ~8m. As such, the scaffolding requirements reduce and much of the work could be done on a scaffolding of 6m (top platform height), which could be achieved with a 2.2m base (as indicated in **Figure 1** below).

³ EIC, Mr Michael Brown, paragraph 5.15

⁴ EIC, Mr Michael Brown, Appendix A

⁵ EIC, Ms Catherine Heppelthwaite, Appendix 2

If a single storey building is built near the rear boundary, most maintenance work could be accomplished on a ladder.

Maximum Height Table (Height to top working platform - overall tower heights are 1.0m higher; including edge protection)					
Assembly by competent person <4.0m			Assembly by licenced Scaffolders only >4.0m		
Tower Width	Maximum Height (without Outriggers)	Maximum Height (with 2m Outriggers)	Maximum Height (with 3m Outriggers)	Maximum Height - above top of Outriggers	Minimum base dimension -Including Outriggers
0.7m	1.4m	4.0m	5.0m	2.0m	1.7m
1.3m	4.0m	6.0m	8.0m	4.0m	2.2m
2.0m	6.0m	8.0m	9.0m	6.0m	2.9m

For higher Scaffolds obtain the suppliers recommendations.

Figure 1: Scaffold dimensions (source: https://www.hirepool.co.nz/media/2qxnwuij/14-20190805090452_pts_304.pdf)

- 2.7 I also note that, while not guaranteed, residential units are typically pulled forward on a site to provide for private outdoor living at the rear (noting that no outdoor living dimension at ground floor can be less than 3m).
- 2.8 Lastly, planning controls are not intended to manage anti-social or poor behaviour. If an individual opts to throw property into the rail corridor, as depicted on Appendix A to Mr Brown's evidence, there are no amount of planning controls that will counter these poor individual choices.
- 2.9 As such, the maintenance of a residential unit can safely occur within a 2.5m setback and a 10m setback, or indeed a 5m setback, is excessive. To enforce a setback greater than 2.5m would not be consistent with the requirements of s771.
- 2.10 Having reviewed the matter of discretion put forward by Ms Heppelthwaite⁶ (for addition into 14A.7.4), I agree with the drafting and consider that it should be included. Importantly, it clarifies the need for the setback and will enable an appropriate assessment of the setback from the rail corridor for this purpose (i.e. maintenance, rather than health, amenity and reverse sensitivity effects).

⁶ EIC, Ms Catherine Heppelthwaite, paragraph 10.22

Noise controls

- 2.11 To manage potential reverse sensitivity effects on the rail corridor, KiwiRail are seeking to include new noise and vibration controls for noise sensitive activities. These controls would apply to a depth of 100m (noise) and 60m (vibration) from the designation edge.
- 2.12 The details of these controls are set out in the evidence of Ms Heppelthwaite, which are supported by the evidence of Mr Chiles.
- 2.13 Having regard to the evidence of Mr Styles, I consider that a modelled approach is appropriate (consistent with airports and ports). If a modelled approach is adopted, I would support a noise control being included in the WBOPDP for managing reverse sensitivity effects. In particular, I note the following comments by Mr Styles⁷:

KiwiRail seek a set of noise controls that are specific to managing the effects of rail noise. I agree with KiwiRail that a specific set of controls is appropriate in this case.

However, I consider that the controls proposed by KiwiRail are inefficient and relatively blunt.

I consider that the main issue is the standard setback distance of 100m where the controls will apply. I consider that this will apply the controls to land that is not affected by noise to the degree that controls are necessary. This will force developers and homeowners through a process that will be unnecessary. Such a process would be even more complicated and inefficient if the recommendations in the s42A Report are adopted.

I consider that the most efficient and appropriate way of defining the extent of the rail noise controls is to model the propagation of noise using computer sound modelling.

⁷ Evidence of Mr Jon Styles, paragraphs 3.11 – 3.13 and 3.17 and 3.18

My experience is that this will have the effect of significantly reducing the spatial extent of the controls overall, and especially where there is more complex topography and screening effects.

- 2.14 I therefore continue to oppose the relief sought by KiwiRail. However, with the amendments recommended by Mr Styles, I would be able to support a noise control boundary with suitable internal noise provisions over properties in Ōmokoroa and Te Puke to manage actual noise and amenity effects on residents and potential reverse sensitivity effects on the operation of the rail corridor.
- 2.15 Lastly, with respect to the definition of ‘noise sensitive activity’. I support the definition put forward by Ms Heppelthwaite⁸. In my experience, the activities listed by Ms Heppelthwaite are indeed sensitive to noise and should be captured within the definition.

Vibration controls

- 2.16 With respect to vibration, I support the alternative method put forward by Ms Heppelthwaite, namely a ‘Rail vibration alert overlay’. I consider this is an appropriate response to a largely unknown effect which will incur a significant cost to assess and implement control measures, noting the evidence of Ms Styles⁹:

The vibration that is felt outside the rail corridor is highly variable and the attenuation of rail vibration over distance is very difficult to predict. The vibration levels are dependent on a wide variety of factors, such as rail and rolling stock condition, train speed and laden weight, ground conditions, topography, the type of building it is affecting, it’s foundations and overall mass, and other factors.

I consider that the highly dynamic nature of any potential issues means that dealing with the potential issue in the receiving environment becomes highly uncertain, expensive and potentially highly inefficient.

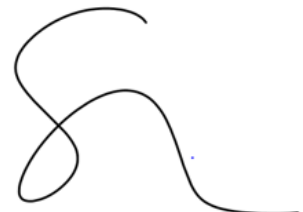
⁸ EIC, Ms Catherine Heppelthwaite, Appendix A

⁹ Evidence of Mr Jon Styles, paragraph 2.2 and 2.10-2.12

The design, construction and compliance costs of implementing the indoor vibration controls will be significant and have not been quantified by KiwiRail. The evidence from Dr Chiles and Ms Heppelthwaite mention cost and acknowledge that the vibration controls could create new costs, but they do not assess how significant those costs could be and how they might affect development.

In my experience, the costs of managing vibration in the receiving environment are generally significant.

- 2.17 An alert overlay will enable builders and homeowners to make their own determinations about an appropriate building design to manage the potential vibration effect and will not unnecessarily impose a substantial building cost. However, I oppose the 100m application of this overlay as put forward by Ms Heppelthwaite, noting that the vibration rule advanced by Kiwirail only applied 60m from the rail corridor.

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a horizontal line that curves upwards and then downwards.

Susannah Tait
6 September 2023