BEFORE THE INDEPENDENT COMMISSIONERS

IN THE MATTER	of the Resource Management Act 1991 ("**RMA**")
AND	
IN THE MATTER	of a submission by KiwiRail Holdings Limited ("**KiwiRail**") on Hearing Stream 7 (Other Topics) of the Proposed Lower Hutt District Plan ("**Proposed Plan**")

MEMORANDUM OF COUNSEL ON BEHALF OF KIWIRAIL HOLDINGS LIMITED IN RELATION TO HEARING STREAM 7 (OTHER TOPICS) – MINUTE 22

4 NOVEMBER 2026

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MAY IT PLEASE THE PANEL:

1. The Panel's Minute 22 (dated 29 October 2026) directed KiwiRail to provide further information by 12 November 2026.

2. Dr Chiles and Ms Heppelthwaite are currently preparing this further information which includes:

   (a) Dr Chiles addressing the merits of a second compliance pathway for acoustic performance standards being retained, whether in combination with the internal sound level or a standardised level difference approach;[1]

   (b) Dr Chiles addressing various New Zealand and international noise standards referred to by Mr Hunt in Council's reply memorandum ("**Reply Memorandum**");[2]

   (c) Ms Heppelthwaite providing amended wording to NOISE-S5 and NOISE-S6 to achieve noise screening in perpetuity and to provide corrections to achieve consistency with the requested purpose of the Vibration Alert Layer;[3] and

   (d) Ms Heppelthwaite providing a section 32AA evaluation which compares the notified approach against KiwiRail's relief. The Panel directed that this evaluation include: the number of properties affected by a 100m wide noise corridor as compared to a 40m outer noise boundary, theoretical development costs, an evaluation of costs and benefits specific within the Hutt City context, an evaluation of each method against the relevant objectives and policies, and consideration of the standardised construction method noted in the Reply Memorandum.[4]

3. Dr Chiles will be in a position to provide the further information by 12 November 2026. However, to ensure the section 32AA evaluation provided by Ms Heppelthwaite is comprehensive and helpful to the Panel, we respectfully

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1 Minute at [6(a)]; Initial Reply Memorandum of Stephen Davis and Malcolm Hunt (19 October 2026), section 3.

2 Minute at [6(b)]; Initial Reply Memorandum of Stephen Davis and Malcolm Hunt (19 October 2026), section 4.

3 Minute at [10].

4 Minute at [11].

request a short extension of one week for this information to be provided. Ms Heppelthwaite has a range of other hearing evidence and expert conferencing commitments in the next two weeks which will make putting together a comprehensive response by 12 November challenging.

4. KiwiRail therefore respectfully requests a short extension of one week, until **19 November 2026**, to enable Ms Heppelthwaite to collate the requested material and respond accordingly.

5. Given the Panel has not yet issued any directions in relation to expert conferencing, or timing for a right of reply by Mr Davis, we do not consider this extension will cause prejudice to any other parties.

DATED: 4 November 2026



A A Arthur-Young | K M Dibley
Counsel for KiwiRail Holdings Limited