

BEFORE INDEPENDENT COMMISSIONERS

AT PORIRUA

UNDER the Resource Management Act 1991 ("**RMA**")

AND

IN THE MATTER of Hearing of Submissions and Further Submissions
on the Proposed Porirua District Plan

**JOINT MEMORANDUM OF COUNSEL ON BEHALF OF KIWIRAIL HOLDINGS
LIMITED AND WAKA KOTAHI NEW ZEALAND TRANSPORT AGENCY**

27 JANUARY 2022

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MAY IT PLEASE THE HEARING PANEL:

Introduction

1. We refer to Minute 20 issued by the Hearing Panel ("**Panel**") directing expert conferencing in relation to noise and vibration associated with the State Highway network and the rail network between the experts for KiwiRail Holdings Limited, Waka Kotahi New Zealand Transport Agency ("**Parties**"), Porirua City Council and Kainga Ora.
2. This joint memorandum has been prepared on behalf of the Parties in relation to the directed expert conferencing, and the timetable for evidence and legal submissions.

Expert conferencing and timetable for evidence exchange

3. The Parties are grateful for the Panel's suggestion for the experts to conference on noise and vibration matters. The experts have conferred and confirmed that expert conferencing will take place on Tuesday 1 February 2022, with any statements to be filed as soon as possible after the conclusion of the conferencing.
4. Through Minute 7, the Panel directed that rebuttal evidence in relation to Hearing Stream 4 is filed by Friday 28 January 2022. In the event that there are outstanding issues that are unable to be agreed at expert conferencing, the Parties consider it would be appropriate to enable any rebuttal evidence in relation to noise and vibration to be filed following the conclusion of expert conferencing. We also note that Waka Kotahi's planner Ms Heppelthwaite will be on annual leave and out of mobile/email contact until 10 February. Any rebuttal evidence on other matters to be addressed at Hearing Stream 4 can still be filed by this Friday.
5. The outcome of expert conferencing and rebuttal evidence will have a bearing on the matters to be addressed in legal submissions. In light of that, the Parties consider that it would be most efficient for any legal submissions to be filed after the conclusion of the expert conferencing and after having had the opportunity to review any rebuttal evidence on these matters. To avoid the need for supplementary legal submissions, the Parties consider that it would be efficient for the legal submissions to address all matters relating to Hearing Stream 4.

Directions sought

6. Accordingly, the Parties respectfully request that the Panel directs:
- (a) any rebuttal evidence on rail noise and vibration on behalf of the parties participating in the expert conferencing be filed by Friday 4 February at 5pm (nothing that if required, rebuttal from Ms Heppelthwaite may be subject to a further delay); and
 - (b) any legal submissions for Hearing Stream 4 on behalf of the parties participating in the expert conferencing be filed by Wednesday 9 February 2022 at 5pm.

DATED: 27 January 2022



A Arthur-Young / L Rapley
Counsel for KiwiRail Holdings Limited



C Sheard / L Espin
Counsel for Waka Kotahi New Zealand Transport Agency