BEFORE THE INDEPENDENT HEARING PANEL

UNDER	the Resource Management Act 1991 ("**RMA**")
AND	
IN THE MATTER	of a submission and further submission by KiwiRail Holdings Limited ("**KiwiRail**") (submitter and further submitter 233) on Hearing Stream 3 (Noise) of the Proposed Waitaki District Plan ("**Proposed Plan**")

MEMORANDUM OF COUNSEL ON BEHALF OF KIWIRAIL HOLDINGS LIMITED

10 NOVEMBER 2026

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MAY IT PLEASE THE PANEL:

1. At the noise hearing on 23 October 2026, the Panel questioned the need for separate acoustic controls along the Waiareka Branch Line, noting an earlier relevant designation for the Line.

2. Counsel can confirm the Waiareka Branch Line is subject to a separate designation for railway purposes in the Proposed Plan (Designation KRH-2). See **Attachment A** for the spatial extent of this designation.

3. The Chair was correct in recalling Designation KRH-2 includes bespoke noise management conditions which place limits on noise emitted from the rail corridor as follows:

> **Conditions**
>
> 1. Train noise shall not exceed 60 dBA 1 hour Leq when measured at 1m from the facade of any house existing or with a building consent to construct as at [date of approval of the NOR].
>
> 2. Train noise shall not exceed 80 dBA Lmax between 10:00pm - 7:00am when measured at 1m from the facade of any house existing or with a building consent to construct as at [date of approval of the NOR].

4. These bespoke conditions are not present on KiwiRail's designation for the Main South Line.

5. Dr Chiles has reconsidered the need for acoustic insulation and mechanical ventilation controls along the Waiareka Branch Line given the conditions of Designation KRH-2. He has advised that given the way the conditions are drafted (being to limit rail noise at houses that existed at the time Designation KRH-2 was approved), the acoustic insulation and mechanical ventilation controls KiwiRail seeks, which apply within 100m of the rail corridor designation boundary, are not necessary for the Waiareka Branch Line.

6. As a result, KiwiRail no longer seeks the mapped Transport Corridor Noise Control Area Overlay and associated acoustic insulation and mechanical ventilation provisions over the Waiareka Branch Line.

DATED: 10 November 2026



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

ATTACHMENT A: DESIGNATION KRH-2

