

**BEFORE INDEPENDENT HEARING COMMISSIONERS  
AT TAURANGA**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE  
KI TAURANGA**

**IN THE MATTER  
AND**

**of the Resource Management Act 1991**

**IN THE MATTER**

**of the hearing of submissions on Proposed Plan  
Change 92 (Ōmokoroa and Te Puke Enabling  
Housing Supply and Other Supporting Matters)  
(PC92) to the Operative Western Bay of Plenty  
District Plan (WBOPDP)**

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**JOINT MEMORANDUM OF COUNSEL REGARDING NOISE RULE**

**29 SEPTEMBER 2023**

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**Instructing solicitor:**

C E Kirman  
Special Counsel  
Kāinga Ora - Homes and Communities  
PO Box 14594  
Central Auckland 1051  
E: [claire.kirman@kaingaora.govt.nz](mailto:claire.kirman@kaingaora.govt.nz)

**Counsel instructed:**

B J Matheson  
Richmond Chambers  
PO Box 1008  
Shortland Street  
Auckland 1140  
E: [matheson@richmondchambers.co.nz](mailto:matheson@richmondchambers.co.nz)

**X MAY IT PLEASE THE COMMISSIONERS:**

1. Counsel refer to Direction #3 of the Hearing Panel and the direction that the Council report on the outcome of discussions between Mr Styles on behalf of Kāinga Ora and Dr Chiles on behalf of KiwiRail Holdings Ltd in relation to the drafting of a rule in relation to rail noise.
2. Mr Styles and Dr Chiles met on Friday 22 September 2023 to discuss the proposed drafting. Unfortunately, due to capacity constraints at Mr Styles' end, the parties are not in a position to circulate draft wording yet.
3. Counsel respectfully seek an extension to the direction in paragraph 3 of Direction #3, so that the parties may report back to the Panel by 5.00pm on Friday 6 October 2023.

**Dated** 29 September 2023



**B J Matheson / A Cameron**

**Counsel for Kāinga Ora – Homes and Communities**



**K Gunnell**

**Counsel for KiwiRail Holdings Ltd**



**K Stubbing**

**Counsel for WBOPDC**