

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

**I MUA I TE KŌTI TAIAO
TĀMAKI MAKAURAU ROHE**

ENV-2022-AKL-000044

UNDER section 274 of the Resource Management Act 1991

IN THE MATTER of an appeal against decisions on the proposed Waikato District Plan

BETWEEN **KiwiRail Holdings Limited**
Appellant

A N D **Waikato District Council**
Respondent

SECTION 274 NOTICE BY KĀINGA ORA-HOMES AND COMMUNITIES

22 March 2022

**ELLIS GOULD
LAWYERS
AUCKLAND**

REF: Douglas Allan / Alex Devine

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AUCKLAND**

SECTION 274 NOTICE BY KĀINGA ORA-HOMES AND COMMUNITIES

**TO: The Registrar
Environment Court
Auckland**

KĀINGA ORA-HOMES AND COMMUNITIES (“**Kāinga Ora**”) gives notice under section 274 of the Resource Management Act 1991 (“**RMA**”) that it wishes to be a party to the appeal (“**Appeal**”) by KiwiRail Holdings Limited (“**Appellant**”) against the decision of the Respondent on the proposed Waikato District Plan (“**PDP**”).

1. The Appeal seeks to introduce:
 - 1.1 new provisions to manage noise and vibration sensitive activities locating within 100m of the rail network.
 - 1.2 a 5m setback from the railway corridor boundary for new or altered buildings or structures.
2. Kāinga Ora made submissions about the subject matter of the proceedings, as well as a further submission in opposition to the Appellant’s submission on the matters which are now the subject of the Appeal.
3. Kāinga Ora is also a person who has an interest in the proceedings that is greater than the interest the general public has on the grounds that Kāinga Ora:
 - (a) Manages a public housing portfolio in the Waikato District comprising approximately 393 dwellings¹, including dwellings located on land that will be directly affected by the relief sought in the appeal; and
 - (b) Has statutory roles and responsibilities under the Kāinga Ora – Homes and Communities Act 2019 which broadly relate to ensuring that projects and planning instruments do not

¹ As at December 2021.

inappropriately affect the quality, supply and affordability of housing.

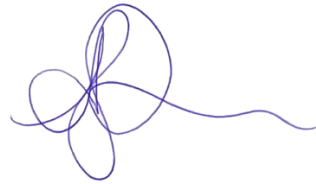
4. Kāinga Ora is not a trade competitor for the purposes of section 308C or 308CA of the RMA. In any event, Kāinga Ora is directly affected by an effect of the subject of the appeal that:
 - 4.1 Adversely affects the environment; and
 - 4.2 Does not relate to trade competition or the effects of trade competition.
5. Kāinga Ora is interested in all of the Appeal.
6. In particular, Kāinga Ora is interested to ensure that:
 - 6.1 the PDP attains an appropriate balance between recognising and addressing the potential effects generated by major infrastructure networks and ensuring that the effects generated by or on that infrastructure are addressed within the corridors owned and controlled by the infrastructure providers.
 - 6.2 there is sufficient evidence to justify any constraints on adjoining landowners.
7. Kāinga Ora opposes the relief sought by the Appellant because if the relief sought is granted, and the Decision is modified as sought, the Decision:
 - 7.1 Will be contrary to the sustainable management of natural and physical resources;
 - 7.2 Will be inconsistent with the purpose and principles of the RMA;
 - 7.3 Will in those circumstances impact on the ability of people and communities to provide for their social, economic and cultural wellbeing; and
 - 7.4 Will not provide for the efficient use and management of natural and physical resources.
8. Kāinga Ora agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED at Auckland this 22nd day of March 2022

KĀINGA ORA-HOMES AND COMMUNITIES

by its solicitors and duly authorised agents

Ellis Gould

A handwritten signature in blue ink, consisting of several loops and a long horizontal tail.

D A Allan / A K Devine

ADDRESS FOR SERVICE: The offices of Ellis Gould, Solicitors, Level 31, Vero Centre, 48 Shortland Street, PO Box 1509, Auckland 1140, DX CP22003, Auckland, Telephone: (09) 307-2172, Facsimile: (09) 358-5215.

Attention: Douglas Allan / Alex Devine, dallan@ellisgould.co.nz / adevine@ellisgould.co.nz.