

**IN THE ENVIRONMENT COURT  
AUCKLAND**

**ENV-2022-AKL-000048**

**I MUA I TE KOOTI TAIAO O AOTEAROA  
I TAMAKI MAKAUROA ROHE**

**IN THE MATTER** of the Resource Management Act 1991 ("**RMA**")

**AND**

**IN THE MATTER** of section 274 of the RMA

**BETWEEN** **WAKA KOTAHU NEW ZEALAND TRANSPORT  
AGENCY**

Applicant

**AND**

**WAIKATO DISTRICT COUNCIL**

Respondent

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**NOTICE OF KIWIRAIL HOLDINGS LIMITED'S  
INTENTION TO BE A PARTY TO PROCEEDINGS**

**22 MARCH 2022**

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**Russell  
McAugh**

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**TO:** The Registrar  
Environment Court  
AUCKLAND

**KIWIRAIL HOLDINGS LIMITED** ("KiwiRail") wishes to be a party to an appeal by the Waka Kotahi – New Zealand Transport Agency ("**Waka Kotahi**") against the decisions of the Waikato District Council on the Proposed Waikato District Plan ("**Proposed Plan**").

**Nature of interest**

1. KiwiRail made submissions and further submissions about the subject matter of these proceedings.
2. KiwiRail also has an interest in these proceedings greater than the general public as KiwiRail has sought a similar set of provisions be included in the Proposed Plan, in relation to the effects of rail and vibration on health and amenity of those living adjacent to the network, and the potential for reverse sensitivity effects on the rail network. KiwiRail has worked closely with Waka Kotahi to develop a similar set of provisions that manage sensitive uses near both state highways and the rail network.
3. KiwiRail is not a trade competitor for the purposes of section 308C or 308CA of the RMA.

**Extent of interest**

4. KiwiRail is interested in all of the proceedings, and in particular as they relate to the introduction of new rules in the AINF (All Infrastructure) Chapter to manage noise and vibration effects on sensitive land uses in proximity to the state highway network and reverse sensitivity effects, and the corresponding amendments to AINF-P27.

**Relief sought**

5. KiwiRail supports the relief sought by Waka Kotahi to amend AINF-P27 and the introduction of new provisions for noise sensitive activities in proximity to the state highway to manage both adverse health and amenity effects and reverse sensitivity effects.
6. KiwiRail supports the relief sought because it:
  - (a) will promote the sustainable management of natural and physical resources within the Waikato District, and is therefore consistent with Part 2 and other provisions of the RMA;
  - (b) will meet the reasonably foreseeable needs of future generations;
  - (c) will enable the social, economic and cultural wellbeing of the people of Waikato;
  - (d) will facilitate the efficient use and development of natural and physical resources;

- (e) avoids, remedies or mitigates actual or potential adverse effects on the environment;
- (f) is the most appropriate way to achieve the objectives of the Proposed Plan in terms of section 32 of the RMA.

**Alternative dispute resolution**

- 7. KiwiRail agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**KIWIRAIL HOLDINGS LIMITED** by its solicitors and authorised agents Russell McVeagh:



**Signature:** Allison Arthur-Young / Lauren Rapley

**Date:** 22 March 2022

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**To:** the Registrar of the Environment Court at Auckland

**And to:** the Appellant

**And to:** the Respondent