

**IN THE ENVIRONMENT COURT
AUCKLAND**

ENV-2022-AKL-000052

**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 **LAKESIDE DEVELOPMENTS 2017 LIMITED**

Applicant

AND

WAIKATO DISTRICT COUNCIL

Respondent

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

22 MARCH 2022

**Russell
McAugh**

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TO: The Registrar
Environment Court
AUCKLAND

KIWRAIL HOLDINGS LIMITED ("KiwiRail") wishes to be a party to an appeal by the Lakeside Developments 2017 Limited ("**LDL**") against the decisions of the Waikato District Council on the Proposed Waikato District Plan ("**Proposed Plan**").

Nature of interest

1. KiwiRail made a submission and further submission about the subject matter of these proceedings.
2. KiwiRail also has an interest in these proceedings greater than the general public. KiwiRail was previously involved in Plan Change 20 Lakeside Precinct ("**Plan Change**") which was only resolved shortly prior to the Proposed Plan being notified. In particular, as part of the Plan Change, KiwiRail worked with LDL to develop a comprehensive set of controls relating to noise and vibration controls for sensitive activities near the North Island Main Trunk Line. Through the Proposed Plan process, LDL sought to include provisions in the plan that reflect the outcomes of the Plan Change.
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 parts of the proceedings relating to the introduction of policies for the Lakeside Te Kauwhata Precinct ("**Precinct**") to manage development near the rail corridor.
5. The Precinct includes a suite of rules that manage development near the North Island Main Trunk Line consistent with the outcomes of the Plan Change. These controls are important to ensure that where development occurs near the rail corridor, the adverse health and amenity effects on adjacent uses resulting from the operation of the rail corridor, and potential reverse sensitivity effects on the rail corridor are managed. The Precinct provisions also require consideration of safety at the Te Kauwhata Road rail level crossing.
6. KiwiRail is concerned to ensure that there are policies in place so that the rules in the Precinct appropriately implement the policies in accordance with the RMA and that the provisions reflect the outcomes of the Plan Change.

Relief sought

7. KiwiRail supports the inclusion of policies into the Precinct to manage development near the rail corridor consistent with the outcomes of the Plan Change.
8. 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

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

KIWRAIL 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