

**IN THE ENVIRONMENT COURT
AUCKLAND**

ENV-2022-AKL-000042

**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 **FONTERRA CO-OPERATIVE GROUP 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 Fonterra Co-Operative Group Limited ("**Fonterra**") against the decisions of the Waikato District Council on the Proposed Waikato District Plan ("**Proposed Plan**").

Nature of interest

1. KiwiRail made a submission 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 the inclusion of the provisions in the Proposed Plan that refer to the concept of reverse sensitivity which is an important concept in managing the interface between the rail corridor and nearby sensitive land uses.
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 part of the proceedings, in particular as they relate to the inclusion of a definition of reverse sensitivity in the Proposed Plan.
5. As set out above, the concept of reverse sensitivity is central to the provisions proposed by KiwiRail to manage the interface between the rail corridor and the development of new sensitive uses adjacent to the rail corridor. Reverse sensitivity is a well-established concept through case-law, and consistent with its primary submission KiwiRail supports the incorporation of the definition into the Proposed Plan.

Relief sought

6. KiwiRail supports the relief sought by Fonterra to introduce a definition for reverse sensitivity consistent with the Waikato Regional Policy Statement.
7. 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

8. 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