

**In the Environment Court of New Zealand
Auckland Registry**

**I Te Kōti Taiao O Aotearoa
Ki Tamaki Makaurau**

ENV-2022-AKL-000044

Under the Resource Management Act 1991 (the Act)

In the matter of an appeal under Clause 14(1) of the First Schedule of the Act

And in the matter of Decisions on the Proposed Waikato District Plan

Between **KiwiRail Holdings Limited**
Appellant

And **Waikato District Council**
Respondent

Notice of Waka Kotahi NZ Transport Agency's wish to be party to proceedings

Dated 22 March 2022

大成 DENTONS KENSINGTON SWAN

18 Viaduct Harbour Ave P +64 9 379 4196
Private Bag 92101 F +64 9 309 4276
Auckland 1142 DX CP22001

Solicitor: Christina Sheard / Louise Espin
E christina.sheard@dentons.com / louise.espin@dentons.com

To The Registrar
Environment Court
Auckland

- 1 Waka Kotahi NZ Transport Agency (**'Waka Kotahi'**) wishes to be a party to an appeal by KiwiRail Holdings Limited (**'Appellant'**) against a decision of the Waikato District Council (**'Respondent'**). The decision was in respect of a submission by the Appellant to amend provisions relating to noise and vibration controls in relevant zones (**'Proposal'**).
- 2 Waka Kotahi made a submission,¹ and lodged an appeal² on the subject matter of the proceedings.
- 3 Waka Kotahi is not a trade competitor for the purposes of section 308C or 308CA of the Act.
- 4 Waka Kotahi is interested in part of the proceedings, being those aspects set out at paragraph 5 of this notice.
- 5 Waka Kotahi is interested in the amendments sought by the Appellant in relation to the noise and vibration controls to manage sensitive activities in proximity to the rail corridor.³
- 6 Waka Kotahi supports the relief sought by the Appellant to the extent that it is consistent with the relief sought in the Waka Kotahi appeal for the reasons set out in that appeal.⁴
- 7 Waka Kotahi agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated 22 March 2022



Christina Sheard
Counsel for Waka Kotahi NZ Transport Agency

Address for service of Waka Kotahi NZ Transport Agency:

Dentons Kensington Swan
Private Bag 92101
18 Viaduct Harbour Avenue,
Auckland CBD, Auckland 1142
Telephone: 09-379 4196
Fax: 09-379 4196
Email: christina.sheard@dentons.com
Contact person: Christina Sheard
Email: louise.espin@dentons.com
Contact person: Louise Espin

¹ Further submission dated 15 July 2019.

² Appeal dated 1 March 2022, reference ENV-2022-AKL-000048.

³ Refer paragraphs 7(a) and 10-18 of the Appellant's Notice of Appeal dated 1 March 2022.

⁴ Appeal dated 1 March 2022, reference ENV-2022-AKL-000048.