

IN THE ENVIRONMENT COURT  
WELLINGTON

ENV-2024-WLG-000035

I MUA TE KOOTI TAIAO O AOTEAROA  
I TE WHANGANUI-Ā-TARA ROHE

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

AND

IN THE MATTER of an appeal under clause 14(1) of Schedule 1 of the  
RMA and Section 274 of the RMA

BETWEEN **TRANSPower NEW ZEALAND LIMITED**

**Appellant**

AND

**MANAWATŪ-WHANGANUI REGIONAL COUNCIL**

**Respondent**

---

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

**9 SEPTEMBER 2024**

---

---

**Russell  
McAugh**

A A Arthur-Young | K L Gunnell  
P +64 9 367 8000  
F +64 9 367 8163  
PO Box 8  
DX CX10085  
Auckland

To: The Registrar of the Environment Court at Wellington

KiwiRail Holdings Limited ("**KiwiRail**") wishes to be a party to an appeal by Transpower New Zealand Limited ("**Transpower**") against part of the decision of the Manawatū-Whanganui Regional Council on Plan Change 3 (Urban Development) to the Manawatū-Whanganui One Plan ("**PC3**").

**Nature of interest**

1. KiwiRail made a submission on PC3 about the subject matter of the proceedings.
2. KiwiRail is not a trade competitor for the purposes of clauses 6(4) and 29(1B) of Schedule 1 of the RMA.

**Extent of interest**

3. Transpower seeks amendments to provisions in PC3 that relate to managing the effects (including reverse sensitivity effects) of third party activities on the operation, maintenance, upgrading and development of nationally significant infrastructure.
4. KiwiRail is the State-Owned Enterprise responsible for the construction, maintenance and operation of New Zealand's rail network. KiwiRail is also a Requiring Authority that holds railway purpose designations in District Plans throughout New Zealand.
5. KiwiRail is interested in all of the proceedings.

**Relief sought**

6. KiwiRail supports the relief sought by Transpower as it will ensure that PC3 appropriately manages reverse sensitivity effects to ensure infrastructure is not compromised.
7. KiwiRail supports the relief sought because it:
  - (a) will promote the sustainable management of natural and physical resources within the Manawatū-Whanganui region, 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 in the Manawatū-Whanganui region;
- (d) will facilitate the efficient use and development of natural and physical resources;
- (e) avoids, remedies or mitigates the actual or potential adverse effects on the environment; and
- (f) is the most appropriate way to achieve the objectives of PC3 and the Manawatū-Whanganui One 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:** A A Arthur-Young / K L Gunnell

**Date:** 9 September 2024

**Address for Service** C/- Kieran O'Connor  
Russell McVeagh  
Barristers and Solicitors  
48 Shortland Street  
Vero Centre  
PO Box 8 / DX CX10085  
**Auckland 1140**

**Telephone:** +64 9 367 8000

**Email:** kieran.oconnor@russellmcveagh.com

**TO:** The Registrar of the Environment Court at Wellington.

**AND TO:** The Appellant.

**AND TO:** The Respondent.