

IN THE ENVIRONMENT COURT
AUCKLAND

ENV-2025-AKL-159

I MUA I TE KOOTI TAIAO O AOTEAROA
I TE TĀMAKI MAKĀURAU 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

BETWEEN **THE ROYAL FOREST AND BIRD PROTECTION
SOCIETY OF NEW ZEALAND INCORPORATED**

Appellant

AND **WAITOMO DISTRICT COUNCIL**

Respondent

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

21 AUGUST 2025

**Russell
McAugh**

L J E Rapley | K J C O'Connor
P +64 9 367 8000
F +64 9 367 8163
PO Box 8
DX CX10085
Auckland

To: The Registrar of the Environment Court at Auckland

KIWIRAIL HOLDINGS LIMITED ("KiwiRail") wishes to be a party to an appeal by The Royal Forest and Bird Protection Society of New Zealand Incorporated ("**Forest and Bird**") against part of the decision of the Waitomo District Council ("**Council**") on the Proposed Waitomo District Plan ("**Proposed Plan**").

Nature of interest

1. KiwiRail made a submission on the Proposed Plan and has an interest in the proceedings that is greater than the interest that the general public has.
2. KiwiRail is not a trade competitor for the purposes of sections 308B(2), 308C, 308CA, 308D, and clauses 6(4) and 29(1B) of Schedule 1 of the RMA.

Extent of interest

3. KiwiRail is the State-Owned Enterprise responsible for the construction, maintenance and operation of New Zealand's rail network and a network utility operator.
4. Forest and Bird has sought amendments to various provisions in the Proposed Plan, including policies and rules in Chapter 19 - Network Utilities, objectives, policies and rules in Chapter 16 - Ecosystems & Indigenous Biodiversity and rules in the General Rural Zone.
5. KiwiRail is interested in the parts of the proceeding relating to the following:¹
 - (a) amending the prefacing text in the Rules section of the Network Utilities Chapter to apply any relevant provision in District-wide chapters, including Chapter 26 Ecosystems and Indigenous Biodiversity, to network utility activities;
 - (b) including "effects on indigenous biodiversity" as a matter of discretion in all restricted discretionary rules for Network Utilities in the Network Utilities Chapter;
 - (c) amending ECO-O1; ECO-P1, ECO-P2, ECO-P10, ECO-R1 to ECO-R10, ECO-R11, ECO-R16; and
 - (d) amending GRUZ-R15.

¹ Notice of Appeal by Forest and Bird dated 31 July 2025, Table 1, Item 7.

6. KiwiRail considers the relief sought has the potential to constrain the ongoing efficient operation and future development of essential network utility operations and infrastructure.

Relief sought

7. KiwiRail opposes the relief sought because it:
- (a) will not promote the sustainable management of natural and physical resources within the Porirua District, and is therefore inconsistent with Part 2 and other provisions of the RMA;
 - (b) will not meet the reasonably foreseeable needs of future generations;
 - (c) will not enable the social, economic and cultural wellbeing of the people of Waitomo;
 - (d) will not facilitate the efficient use and development of natural and physical resources;
 - (e) will not avoid, remedy or mitigate actual or potential adverse effects on the environment; and
 - (f) is not 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.

KIWI RAIL HOLDINGS LIMITED by its solicitors
and authorised agents Russell McVeagh:



Signature:

L J E Rapley / K J C O'Connor

Date:

21 August 2025

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