

**I TE KŌTI TAIAO O AOTEAROA  
TĀMAKI MAKĀURAU ROHE**

**BEFORE THE ENVIRONMENT COURT  
AT AUCKLAND**

**ENV-2020-AKL-000131**

**UNDER** the Resource Management Act 1991 ("RMA")

**IN THE MATTER** of Clause 14(1) of Schedule 1 of the RMA

**BETWEEN** **KIWIRAIL HOLDINGS LIMITED**

Appellant

**A N D** **WHANGAREI DISTRICT COUNCIL**

Respondent

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**NOTICE OF KĀINGA ORA - HOMES AND COMMUNITIES WISH TO BE A  
PARTY TO PROCEEDINGS**

**4 AUGUST 2020**

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**REF: Dr Claire Kirman**

Kāinga Ora -  
Homes and  
Communities

PO BOX  
2628  
Wellington  
6140 | New  
Zealand  
Government

**NOTICE OF KĀINGA ORA - HOMES AND COMMUNITIES WISH TO BE A  
PARTY TO PROCEEDINGS**

**To: The Registrar**

**Environment Court**

**Auckland**

1. **KĀINGA ORA - HOMES AND COMMUNITIES** (“**KĀINGA ORA**”) gives notice under section 274 of the RMA that it wishes to be a party to these proceedings, being *KiwiRail Holdings Limited v Whangarei District Council* (ENV-2020-AKL-000131) (“**the Appeal**”).
2. The Appeal is in respect of parts of a decision made by the Whangarei District Council related to the provisions of the Proposed Whangarei District Plan Urban and Services Plan Changes (“**the Plan Changes**”) intended to manage the interface between urban development and forestry replanting, and the operation and development of the national railway network (“**the Decision**”).
3. Kāinga Ora made a submission the Plan Changes as well as a further submission in opposition to the Appellant’s submission on the matters which are now the subject of the Appeal. It also has an interest in the proceedings that is greater than the interest of the general public. Kāinga Ora is a significant landowner within the Whangarei District and has responsibility for the provision and maintenance of a considerable portion of the District’s existing and future social housing infrastructure.
4. Kāinga Ora is not a trade competitor for the purposes of section 308C or 308CA of the Act.
5. Kāinga Ora is interested in the following parts of the proceedings:
  - (a) The proposed provisions for the management of noise sensitive activities in proximity to the rail network as set out in Appendix A to the Notice of Appeal.
  - (b) The proposed rule requiring the setback of new or altered buildings or structures from the railway corridor boundary as set out in the Notice of Appeal.

6. In particular, Kāinga Ora is interested to ensure that the Plan Changes attain an appropriate balance between managing the potential for reverse sensitivity effects and enabling the efficient use of land and infrastructure by allowing residential development to locate close to key transport routes.
7. Kāinga Ora opposes the relief sought by the Appellant because if the relief sought is granted, and the Decision modified as sought, the Decision:
  - (a) will be contrary to the sustainable management of natural and physical resources;
  - (b) will be inconsistent with the purpose and principles of the RMA;
  - (c) will in those circumstances impact on the ability of people and communities to provide for their social, economic and cultural wellbeing; and
  - (d) will not provide for the efficient use and management of natural and physical resources.
8. Kāinga Ora agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**DATED** this 4<sup>th</sup> day of August 2020

**KĀINGA ORA – HOMES AND  
COMMUNITIES** by its solicitor



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**Claire Elizabeth Kirman**

**ADDRESS FOR SERVICE:** Kāinga Ora Homes and Communities, 107 Carlton Gore Road, Newmarket, Auckland 1023.

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***Advice***

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.