

**BEFORE THE ENVIRONMENT COURT  
AT AUCKLAND**

**I MUA I TE KŌTI TAIAO  
TĀMAKI MAKAURAU ROHE**

**ENV-2020-AKL-000131**

**UNDER** the Resource Management Act 1991 ("RMA")  
**IN THE MATTER** of an appeal under 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 SOUTHPARK CORPORATION LIMITED'S WISH TO BE A  
PARTY TO PROCEEDINGS**

**5 AUGUST 2020**

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**ELLIS GOULD  
LAWYERS  
AUCKLAND**

**REF: Douglas Allan / Alex Devine**

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AUCKLAND**

## NOTICE OF SOUTHPARK CORPORATION LIMITED'S WISH TO BE A PARTY TO PROCEEDINGS

**TO:** The Registrar  
Environment Court  
Auckland

Southpark Corporation Limited ("**Southpark**") gives notice of its wish to be a party to the appeal ENV-2020-AKL-000131 by KiwiRail Holdings Limited against parts of the decision of Whangarei District Council on proposed Plan Changes 88A-1, 109 and 115 to the Whangarei District Plan.


1. Southpark made further submission X359 regarding the subject matter of these proceedings.
2. Southpark is also a person who has an interest in the proceedings that is greater than the interest of the general public because it manages land which falls within the 100m "buffer" area to which the relief sought would apply. The relief sought by the Appellant may have implications for future changes to existing activities as well as any new activities established within this area.
3. Southpark is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 ("**RMA**"). In any event, Southpark is directly affected by an effect of the subject matter of the appeal that:
  - 3.1 Adversely affects the environment; and
  - 3.2 Does not relate to trade competition or the effects of trade competition.
4. Southpark is interested in all aspects of the proceedings.
5. Southpark opposes the relief sought on the basis that:
  - 5.1 There are already acoustic attenuation requirements under the operative Noise and Vibration Chapter ("**NAV Chapter**") which apply to the area of land in which Southpark has a particular interest (Marsden City). These provisions were implemented through Plan Change 135 – GNLC and manage potential

amenity and reverse sensitivity effects with regard to noise and vibration from the State Highway and Railway.

- 5.2 The relief sought by the Appellant would apply in addition to, and has the potential to conflict with, the existing acoustic insulation requirements under the NAV Chapter.
  - 5.3 This would create additional complexities and increased development costs for future development within the areas already subject to the NAV Chapter acoustic attenuation requirements.
  - 5.4 The relief sought is not the most efficient or effective approach to managing potential interface issues, is not justified in terms of s32 and will not achieve the purpose of the RMA.
6. Southpark agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**DATED** this 5<sup>th</sup> day of August 2020

**SOUTHPARK CORPORATION  
LIMITED** by its solicitors and duly  
authorised agents, Ellis Gould



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**D A ALLAN / A K DEVINE**

**ADDRESS FOR SERVICE:** The offices of Ellis Gould, Solicitors, Level 17, Vero Centre, 48 Shortland Street, PO Box 1509. Auckland 1140, DX CP22003, Auckland. Telephone: (09) 307-2172, Facsimile: (09) 358-5215. **Attention:** Douglas Allan / Alex Devine; dallan@ellisgould.co.nz / adevine@ellisgould.co.nz.

**Copy To:** The Appellant  
**And To:** Whangarei District Council  
**And To:** Section 274 parties