

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

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

ENV-2020-AKL-000131

IN THE MATTER of the Resource Management Act 1991 ('the
Act')

AND

IN THE MATTER of an appeal pursuant to clause 14(1) of the
First Schedule of the Act

BETWEEN **Kiwirail Holdings Ltd**
Appellant

AND **Whangarei District Council**
Respondent

NOTICE BY UDY INVESTMENTS LTD OF WISH TO BE A PARTY UNDER S274 OF THE ACT

Dated 14 August 2020

To: The Registrar
Environment Court
Auckland

1. **UDY INVESTMENTS LTD** ('UIL') wishes to become a part to the appeal filed by Kiwirail Holdings Ltd ('Kiwirail') against a decision of Whangarei District Council in relation to Plan Changes 88A-I, 109 and 115 (Urban and Services).
2. UIL made a further submission on the matters which are the subject of the proceedings.
3. UIL is not a trade competitor for the purposes of S308C or S308CA of the Act.
4. UIL is directly affected by the appeal and has an interest greater than the public generally in relation to the proposed five metre yard setback from the railway corridor, as it owns a property which is directly adjacent to the rail corridor.
5. UIL is interested in the proposed yard setback from the railway corridor (paragraphs 15 and 16 of the appeal).
6. UIL opposes the relief sought by Kiwirail for the following reasons:
 - a. UIL owns property adjacent the railway corridor;
 - b. A five-metre setback from the railway corridor for access and maintenance is excessive and unduly onerous. The requirement will effectively render a large quantum of land undevelopable (for all sites adjacent the railway land), with no clear environmental benefit. This will not be an efficient use of land and will be contrary to the sustainable management of natural and physical resources.
 - c. The maintenance of buildings, while ongoing, is an occasional requirement and the access and maintenance requirements of the building code, and existing yard set backs are considered adequate to manage the ongoing maintenance requirements. Further, as with the road network, any encroachment onto Kiwirail land would require permission from the Kiwirail, this providing a further level of security.
7. UIL agrees to participate in mediation or alternative dispute resolution of the appeal.
8. UIL acknowledges that the timeframe for which to lodge this notice has expired and due to the Covid-19 circumstances is unable to serve original copies on the relevant persons and the court. A waiver has been sought for this.

Dated: 14 August 2020



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Planning Consultant / Agent for Udy Investments

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Names and addresses of persons to be Served with a copy of this notice:

Respondent:

Whangarei District Council

c/- Sarah Shaw

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Kamo 0141

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Appellant:

Kiwirail Holdings Ltd

c/- Allison Arthur-Young / Tom Atkins

Russell McVeagh

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S274 Parties:

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Port Nikau Joint Venture

Southpark Corporation Limited

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