

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

**I MUA I TE KŌTI TAIAO O AOTEAROA
I TAMAKI MAKAUROA ROHE**

ENV-2020-AKL-000131

IN THE MATTER

of the Resource Management Act
1991 (*the Act*)

AND

IN THE MATTER

of an appeal pursuant to Schedule 1,
clause 14 of the Act

BETWEEN

KIWIRAIL HOLDINGS LIMITED

Appellant

AND

WHANGAREI DISTRICT COUNCIL

Respondent

**NOTICE OF THE UNIVERSITY OF AUCKLAND'S WISH TO BE PARTY
TO PROCEEDINGS UNDER SECTION 274 OF THE ACT**

Dated: 4 August 2020

GREENWOOD ROCHE
LAWYERS
AUCKLAND
Solicitor: F M LUPIS
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To: The Registrar
Environment Court
Auckland

- 1 The University of Auckland (*the University*) gives notice under section 274 of the Act 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 (*the 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 The University made a submission on the Plan Changes along with a further submission in opposition to the Appellant's original submission on the matters which are now the subject of the Appeal.
- 4 The University also has an interest in the proceedings that is greater than the interest of the general public. The University owns land at 13 Alexander Street, Whangārei, being the Te Tai Tokerau Campus (*the Campus*) which will be directly affected by the subject matter of the Appeal. The Campus provides a range of tertiary programmes in education and teaching for those living in Northland.
- 5 The University is not a trade competitor for the purposes of section 308C or 308CA of the Act.
- 6 The University is interested in the following parts of the proceedings:
 - (a) The proposed new noise provisions for managing noise sensitive activities in proximity to the rail network as set out in Appendix A to the Notice of Appeal.
 - (b) The permitted activity standards for the setback of buildings and structures from the railway corridor boundary as set out in the Notice of Appeal.

- 7 In particular, the University is interested to ensure that the District Plan achieves an appropriate balance between managing the potential for reverse sensitivity effects and enabling the efficient use of land and infrastructure by avoiding unnecessary restriction within the mixed use environment.
- 8 The University 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 Act;
 - (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.
- 9 The University agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 4th day of August 2020



F M LUPIS

Counsel for the University of Auckland

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Advice

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