

**IN THE ENVIRONMENT COURT
CHRISTCHURCH**

ENV-2020-CHC-049

**I MUA I TE KOOTI TAIAO
I ŌTAUTAHI ROHE**

IN THE MATTER of the Resource Management Act 1991 ("**RMA**")

AND

IN THE MATTER of section 274 of the RMA

BETWEEN **PORT MARLBOROUGH NEW ZEALAND LIMITED**

Appellant

AND **MARLBOROUGH DISTRICT COUNCIL**

Respondent

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

8 JUNE 2020

**Russell
McAugh**

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TO: The Registrar
Environment Court
Christchurch

KIWIRAIL HOLDINGS LIMITED ("KiwiRail") wishes to be a party to an appeal by Port Marlborough New Zealand Limited ("**Port Marlborough**") against the decision of the Marlborough District Council ("**Council**") on the Proposed Marlborough Environment Plan ("**MEP**").

Nature of interest

1. KiwiRail made a submission about the subject matter of these proceedings and / or has an interest in these proceedings that is greater than that of the general public.
2. KiwiRail is not a trade competitor for the purposes of section 308C or 308CA of the RMA.

Extent of interest

3. KiwiRail is interested in part of the proceedings. The parts of the appeal KiwiRail is interested in are those parts relating to:
 - (a) Policy 13.2.6 – Determining extent of effects on coastal amenity values;
 - (b) Policy 13.3.4 – Recreational use priority in Queen Charlotte Sound;
 - (c) Policy 13.11.2 – Reclamation and drainage in the coastal marine area ("**CMA**"); and
 - (d) Standard 13.3.6 – Maintenance, repair and replacement of structures in the CMA.
4. These provisions relate to the maintenance, use and development of infrastructure within the CMA and activities within Queen Charlotte Sound.
5. KiwiRail relies on the ongoing safe and efficient operation of Port Marlborough's infrastructure for KiwiRail's ferry services within the Marlborough region. KiwiRail therefore supports any changes that will ensure the operational needs of the Port are appropriately recognised and provided for under the MEP.
6. While acknowledging the importance of recreational use within Queen Charlotte Sound, the MEP must also enable ongoing commercial use within that part of the Sound located in the National Transportation Route. Use of Queen Charlotte Sound as a transportation route is critical to the inter-island movement of freight and passengers, including via KiwiRail's Interislander ferry services.

Relief sought

7. KiwiRail supports the relief sought by Port Marlborough in relation to Policies 13.2.6, 13.3.4 and 13.11.2, and Standard 13.3.6.
8. KiwiRail supports the relief sought because it:
- (a) will promote the sustainable management of natural and physical resources within Marlborough, and is therefore consistent with Part 2 and other provisions of the RMA;
 - (b) will meet the reasonably foreseeable needs of future generations;
 - (c) will enable the social, economic and cultural wellbeing of the people of Marlborough;
 - (d) will facilitate the efficient use and development of natural and physical resources;
 - (e) avoids, remedies or mitigates actual or potential adverse effects on the environment; and
 - (f) is the most appropriate way to achieve the objectives of the MEP in terms of section 32 of the RMA.

Alternative dispute resolution

9. KiwiRail agrees to participate in mediation or other alternative dispute resolution of the proceedings.

KIWIRAIL by its solicitors and authorised agents
Russell McVeagh:



Signature:

Allison Arthur-Young / Tom Atkins

Date:

8 June 2020

Address for Service:

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To: the Registrar of the Environment Court at Christchurch

And to: the Appellant

And to: the Respondent

Advice

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