

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**I TE KŌTI TAIAO O AOTEAROA
ŌTAUTAHI ROHE**

ENV-2020-CHC-57

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 in relation to
the Proposed Marlborough
Environment Plan

BETWEEN

KIWIRAIL HOLDINGS LIMITED

Appellant

AND

**MARLBOROUGH DISTRICT
COUNCIL**

Respondent

**NOTICE OF KĀINGA ORA–HOMES AND COMMUNITIES WISH TO
BE PARTY TO PROCEEDINGS UNDER SECTION 274 OF THE ACT**

Dated: 8 June 2020

GREENWOOD ROCHE
LAWYERS
CHRISTCHURCH
Solicitor: L J Semple
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To: The Registrar
Environment Court
Christchurch

- 1 Kāinga Ora–Homes and Communities (*Kāinga Ora*) gives notice under section 274 of the Act that it wishes to be a party to these proceedings, being *Kiwirail Holdings Limited v Marlborough District Council* (ENV-2020-CHC-57) (*the Appeal*).
- 2 The Appeal is in respect of parts of a decision made by the Marlborough District Council, as delegated to the Independent Hearings Panel, related to the provisions of the Marlborough Environment Plan (*the Plan*) intended to manage the interface between urban development and the operation and development of the national railway network (*the Decision*).
- 3 Kāinga Ora has an interest in the proceedings that is greater than the interest of the general public. Kāinga Ora is a significant landowner within the Marlborough 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 new provisions for acoustic mitigation of 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.
- 6 In particular, Kāinga Ora is interested to ensure that the Plan attains 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 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.
- 8 Kāinga Ora agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 8th day of June 2020



L J Semple

Counsel for Kāinga Ora–Homes and Communities

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