

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
ŌTAUTAHU ROHE**

ENV-2018-CHC-252

UNDER the Resource Management Act 1991

IN THE MATTER of an appeal under Clause 14(1) of Schedule 1 of the Resource Management Act 1991

BETWEEN **KIWIRAIL HOLDINGS LIMITED** Appellants

AND **DUNEDIN CITY COUNCIL** a body corporate under the Local Government Act 2002 Respondent

**NOTICE BY THE OTAGO REGIONAL COUNCIL ON ITS WISH TO BE A PARTY TO
PROCEEDING**
Section 274 Resource Management Act 1991

Dated 31 January 2019

ROSS DOWLING MARQUET GRIFFIN
SOLICITORS
DUNEDIN

Telephone: (03) 477 8046
Facsimile: (03) 477 6998
PO Box 1144, DX YP80015

Solicitor: A J Logan

NOTICE BY THE OTAGO REGIONAL COUNCIL ON ITS WISH TO BE A PARTY TO PROCEEDING

To The Registrar
 Environment Court
 Christchurch

- 1 The Otago Regional Council wishes to be a party to the following proceedings:
 - 1.1 The appeal dated 19 December 2018 by KiwiRail Holdings Limited from the Dunedin City Council's ("DCC") decisions on its Proposed Dunedin City District Plan ("2GP").
- 2 The Otago Regional Council is:
 - 2.1 A local authority;
 - 2.2 A person who made a submission on setbacks from waterbodies.
- 3 The Otago Regional Council is not a trade competitor for the purposes of section 308C of the Resource Management Act 1991 ("the Act").
- 4 The Otago Regional Council is interested in all of the proceedings.
- 5 Without derogating from paragraph 4, the particular issues in which Otago Regional Council is interested are Policy 10.2.2.2 concerning setbacks from water and the proposed 5m setback from the rail corridor for structures (Rules 15.6.14.1, 18.6.17, 19.6.11.1 and 20.6.17.1).
- 6 The Otago Regional Council opposes the relief sought because:
 - 6.1 The relief does not promote sustainable management and is therefore contrary to Part 2 of the Act;
 - 6.2 The relief sought fails to give effect to the provisions of the partially operative Regional Policy Statements 1998 and 2019;
 - 6.3 The relief fails to implement the proposed Otago Regional Policy Statement;
 - 6.4 The relief proposed results in unacceptable adverse effects on the environment.

- 7 The Otago Regional Council agrees to participate in mediation or any other alternative dispute resolution of the proceedings.

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(for Otago Regional Council)

Date: 31 January 2019

Address for service:

Ross Dowling Marquet Griffin Solicitors 50 Princes Street (PO Box 1144 or DX YP80015) Dunedin	
Telephone	(03) 477 8046
Fax	(03) 477 6998
Email	alastair.logan@rossdowling.co.nz
Contact person:	A J Logan

LIST OF PARTIES TO BE SERVED

Name	Address	Email Address
Dunedin City Council	PO Box 5045, Dunedin 9054	2GPAppeals@dcc.govt.nz
KiwiRail Holdings Limited	Russell McVeagh, P O Box 8, Shortland Street, Auckland 1140 DX CX10085	tom.atkins@russellmcveagh.com
Dunedin City Council	Anderson Lloyd (Dunedin), Private Bag 1959, DX YP10107, Dunedin 9054	michael.garbett@al.nz rachel.brooking@al.nz