

IN THE ENVIRONMENT COURT
CHRISTCHURCH

ENV-2018-CHC-

I MUA I TE KOOTI TAIAO
I ŌTAUTAHU ROHE

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

AND

IN THE MATTER of Clause 14(1) of Schedule 1 of the RMA

BETWEEN **KIWIRAIL HOLDINGS LIMITED**

Applicant

AND **DUNEDIN CITY COUNCIL**

Respondent

**NOTICE OF APPEAL TO THE ENVIRONMENT COURT AGAINST DECISIONS
ON THE SECOND GENERATION DUNEDIN CITY DISTRICT PLAN**

19 DECEMBER 2018

**Russell
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To: The Registrar
The Environment Court
CHRISTCHURCH

KIWIRAIL HOLDINGS LIMITED ("KiwiRail") appeals against parts of the decisions of the Dunedin City Council ("**Council**") in respect of the Second Generation Dunedin City District Plan ("**2GP**").

BACKGROUND AND DECISIONS APPEALED

1. KiwiRail made a submission on the 2GP on 23 November 2015¹ and a further submission on 2 March 2016.² KiwiRail presented evidence and legal submissions in support of its submission and further submission.
2. KiwiRail received notice of the Council's decision on the 2GP on 7 November 2018 ("**Decision**"), with that notice directing that any appeals should be filed within 30 working days.
3. The parts of the Decision being appealed are the decisions to reject or to accept only in part the matters raised in KiwiRail's submission, or to amend the 2GP in a way that is inconsistent with the matters raised in KiwiRail's submission. KiwiRail appeals those parts of the Decision summarised in paragraph 7 below for the reasons set out in paragraphs 8 to 72.
4. KiwiRail is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 ("**RMA**").
5. KiwiRail is a State Owned Enterprise responsible for the management and operation of the national railway network. Its role includes managing railway infrastructure and land, as well as freight and passenger services within New Zealand. KiwiRail is a requiring authority pursuant to section 167 of the RMA and is responsible for designations for railway purposes throughout New Zealand.
6. KiwiRail's operations in Dunedin include the Main South Line, which runs from Lyttleton through Dunedin to Invercargill. KiwiRail also operates the Port Chalmers and Taeiri Branches that connect the Main South Line to Port Otago and Mosgiel, respectively. KiwiRail's lines through the Dunedin City District form an integral part of its wider freight network.

SCOPE OF APPEAL

7. The parts of the Decision under appeal are:
 - (a) Definitions of "Transportation Activities", "Network Utilities", "Network Utility Structures", "Network Utility Structures, Small Scale" and "Level Crossing";
 - (b) Chapter 2: Strategic Directions – Policies 2.3.1.4 and 2.3.1.5;

¹ Original Submission 322.

² Further Submission 2162.

- (c) Chapter 4: Temporary Activities – Policy 4.2.1.1;
- (d) Chapter 6: Transportation – Section 6.1, Policy 6.2.11 and Rule 6.3.2.1;
- (e) Chapter 10: Natural Environment – Policy 10.2.2.2 and Rule 10.3.3;
- (f) Chapter 15: Residential Zones – Policy 15.2.2.x and Rules 15.6.14.1 and 15.10.4.2;
- (g) Chapter 18: Commercial and Mixed Use Zones – Policy 18.2.2.x and Rule 18.6.17;
- (h) Chapter 19: Industrial Zones – Rule 19.6.11.1; and
- (i) Chapter 20: Recreation Zone – Rule 20.6.12.1.

GENERAL REASONS FOR APPEAL

8. The 2GP, in its present form:
 - (a) will not promote the sustainable management of the natural and physical resources in Dunedin City, and is therefore contrary to or inconsistent with Part 2 and other provisions of the RMA;
 - (b) is inconsistent with other relevant planning documents, including the Otago Southland Regional Land Transport Plan and Otago Regional Policy Statement;
 - (c) will not meet the reasonably foreseeable needs of future generations;
 - (d) will not enable the social, economic and cultural wellbeing of the people of Dunedin;
 - (e) does not avoid, remedy or mitigate actual and potential adverse effects on the environment; and
 - (f) is not the most appropriate way to achieve the objectives of the 2GP in terms of section 32 of the RMA.
9. In addition to the general reasons outlined above, KiwiRail also appeals the Decision for the specific reasons set out below.

SPECIFIC REASONS FOR APPEAL AND RELIEF SOUGHT

Definition – Transportation Activities

10. The Decision includes a definition of transportation activities that fails to include a reference to rail.

11. Rail is clearly a transportation activity, and is regularly recognised as such (or similar) in various other district plans throughout the country.³ The RMA definition of infrastructure expressly identifies rail as a land transport structure.⁴
12. Recognition of rail as a transportation activity is appropriate and necessary to ensure that KiwiRail's operations, which form an integral part of Dunedin's freight transport network, are protected from potential reverse sensitivity effects.
13. The 2GP includes a range of objectives, policies and rules that seek to protect transportation activities from such effects. Without the recognition of rail as a transportation activity, rail activities will not enjoy the benefits of these protections (unlike other transportation activities) and the potential for reverse sensitivity effects on the rail network will not be sufficiently avoided, remedied or mitigated. This is unreasonable and inappropriate.
14. KiwiRail does not, and cannot, rely on its designations to protect its activities from potential reverse sensitivity issues. KiwiRail's designations only control land use activities within the designated corridor that are for railway purposes. They cannot be relied upon to ensure that the development of sensitive activities in proximity to the railway corridor is appropriately managed. The 2GP includes a range of land use controls to mitigate or manage the potential for reverse sensitivity effects on transportation activities like roading networks. Such controls should equally apply to the rail network, as they are critical to ensuring that its safe and efficient operation is not unduly constrained as a result of complaints from nearby sensitive uses.
15. The amendment sought by KiwiRail is the most efficient and effective way to give effect to the objectives of the 2GP that seek to protect transportation activities from reverse sensitivity effects, as it will ensure that the 2GP's protections (provided in the Transportation chapter) will apply to rail activities without the need for a raft of other amendments.

Relief sought

16. KiwiRail seeks that the definition of transportation activities is amended to specifically include rail, or such alternative or consequential relief that addresses KiwiRail's concerns.

Definition – Network Utilities

17. The Decision includes a definition of "network utilities" that does not include "land transport" as a network utility. The Council's Decision states that there is insufficient evidence to show that including land transport as a network utility is the most efficient and effective means of giving effect to the purpose of the RMA.⁵

³ See for example Auckland Unitary Plan – Operative in Part, Hamilton District Plan, and Christchurch District Plan.

⁴ RMA, s 2(1).

⁵ Decision Report of Hearing Panel – Transportation, at paragraph 70.

18. Land transport activities, including rail, are specifically provided for as network utilities under the RMA.⁶ By failing to include land transport activities in the 2GP's definition of network utilities, the Decision fails to give effect to the RMA. The Decision does not provide sufficient justification for departing from the RMA definition, in particular why the chosen definition is more efficient or effective in terms of the Council's obligations under section 32AA.
19. Including "land transport" in the definition of "network utilities" is both efficient and effective. Including rail as a network utility would enable rail activities to be protected from potential adverse effects from adjoining activities, without the need to also amend a range of relevant objectives, policies and rules throughout the 2GP.
20. Such an approach is also consistent with that taken nationally for network utilities. Network utilities are defined to include land transport activities in numerous other district plans throughout New Zealand, as well as in the Otago Regional Policy Statement.⁷

Relief sought

21. KiwiRail seeks that the definition of network utilities be amended to specifically include rail, or such alternative or consequential relief to address KiwiRail's concerns.

Definition – Network Utility Structures

22. The Decision's definition of Network Utility Structures fails to recognise rail and associated rail buildings and structures. The inclusion of rail and associated buildings and structures in the 2GP definition of network utility structures is appropriate, for the reasons set out above in relation to the definition of network utilities.

Relief sought

23. KiwiRail seeks that the definition of network utility structures be amended to specifically include rail and rail associated buildings and structures, or such alternative or consequential relief to address KiwiRail's concerns.

Definition – Network Utility Structures, Small Scale

24. The Decision includes a definition of Network Utility Structures, Small Scale that is substantially different from that included in the notified 2GP. The definition does not refer to rail and rail associated buildings and structures.
25. KiwiRail considers that the inclusion of rail and rail associated buildings and structures in this definition is appropriate, for the reasons set out above in relation to the definition of network utilities and network utility structures.

⁶ RMA, s 166.

⁷ See for example the Unitary Plan (includes railway lines) or the Wellington District Plan (adopts the RMA definition). The Otago Regional Policy Statement uses the term "infrastructure" rather than "network utilities", and this definition specifically refers to rail transport.

Relief sought

26. KiwiRail seeks that the definition of network utility structures, small scale be amended to specifically include rail and rail associated buildings and structures, or such alternative or consequential relief to address KiwiRail's concerns.

Definition – Level Crossing

27. The Council's Decision includes a new definition of level crossings, which reads as follows:

Level Crossing

Any place where a railway line crosses a road on the same level.

28. In its Decision, the Council states that this definition was included as an amendment pursuant to its power under clause 16(2) of Schedule 1 "for clarity."⁸
29. KiwiRail's primary submission includes a suite of submission points seeking greater recognition of, and protection for, level crossings.⁹ KiwiRail supports the addition of a definition of level crossing to clarify where and to what extent provisions relating to level crossings apply.
30. However, KiwiRail opposes the definition included in the Decision. The definition is too narrow, and does not capture all types of level crossings. As drafted, this definition would exclude many of Dunedin's level crossings, specifically those where the road or other structure (eg driveway) crosses a railway line, with potentially significant adverse effects on the safety of the rail network.

Relief sought

31. KiwiRail seeks that the 2GP definition of level crossing is amended to reflect the definition of level crossing provided under the Railways Act 2005, or such alternative or consequential relief that addresses KiwiRail's concerns.

Strategic Direction – Strategically Important Land – Policy 2.3.1.4

32. KiwiRail's operations in Dunedin form a critical part of the City's freight network, transporting goods to and from ports and industrial facilities.
33. As drafted in the Decision, Policy 2.3.1.4 provides that land of strategic importance for industrial activities, including key transportation routes, be protected from incompatible land uses (eg residential) through the use of industrial zoning and rules. However, the policy fails to recognise and protect the rail network, which plays an integral role in the economic success of these industrial activities.
34. KiwiRail supports this policy in seeking to protect strategic industrial land and the key transportation routes that service that land. The rail network is one of

⁸ 2GP Decisions Version (dated 6 November 2018), Section 1.5 Definitions, at page 34.

⁹ See for example OS322.27, OS322.29, OS322.30, OS322.78 or OS322.79.

those routes, and not all of the rail network is zoned Industrial. The amendment sought by KiwiRail is also important given that the definition of transportation activities provided in the Decision does not include rail.

35. As currently worded, rail activities would be in conflict with this policy (despite being directly related to industrial activities) and would not receive the benefit of the policy's clear direction to protect such activities from incompatible (ie sensitive) land uses. The policy fails to protect the operation of the rail network from potential reverse sensitivity effects. This, in turn, could compromise the efficiency of the industrial activities that the policy is designed to protect. The Decision is neither the most effective nor the most efficient way to give effect to Objective 2.3.1.

Relief sought

36. KiwiRail seeks the following amendments to Policy 2.3.1.4, or such alternative or consequential relief to address KiwiRail's concerns:

Identify land strategically important for industrial activities, including near the Harbour and key transport routes (road and rail), and use industrial zoning and rules to protect industrial these activities from incompatible or competing land uses in these areas, in particular retail (other than yardbased retail) and residential activities.

Strategic Direction – Key Transportation Routes – Policy 2.3.1.5

37. The Decision version of Policy 2.3.1.5 directs that key transportation routes be identified and the safety and efficiency of "roads" be protected from inappropriate subdivision. The policy does not have regard to the importance of the rail network as one of Dunedin's key transportation routes. It also fails to provide for the consideration of reverse sensitivity effects.
38. As currently drafted, Policy 2.3.1.5 does not represent the most efficient and effective way to give effect to Objective 2.3.1, because:
- (a) The rail network should be specifically identified as a key transportation route, as it plays a crucial role in the movement of freight throughout Dunedin City, which contributes significantly to the City's economic productivity and wellbeing. Such an approach is also consistent with the Otago Regional Policy Statement and the Otago Southland Regional Land Transport Plan, both of which recognise rail as well as road as an essential land transport asset for the Otago Region.
 - (b) The need to protect land of strategic economic importance from potential reverse sensitivity effects is specifically provided for under Objective 2.3.1, and should be similarly provided for under this policy.

Relief sought

39. KiwiRail seeks that Policy 2.3.1.5 be amended as follows, or such alternative or consequential relief that addresses KiwiRail's concerns:

Identify key transportation routes (road and rail), and protect the safety and efficiency of these ~~roads~~routes from inappropriate subdivision or development through:

- a. rules that control the location and design of access points; and
- b. rules that require minimum on-site car parking and loading requirements; and
- c. consideration of reverse sensitivity effects.

Temporary Activities – Safety and Efficiency of Transport Network – Policy 4.2.1.1

- 40. In its original submission, KiwiRail supported Policy 4.2.1.1, and sought that it be retained as notified.
- 41. The Decision deletes paragraph (c) of Policy 4.2.1.1, pursuant to clause 16(2) of Schedule 1, as being "redundant."¹⁰
- 42. The Council's Decision fails to recognise that there are a range of temporary activities other than those referenced in Policy 4.2.1.3 (being "temporary events – large scale") potentially requiring resource consent, and that may have adverse effects on the safety and efficiency of the transport network. For example, although galas, carnivals or fairs are temporary activities, only those which are of a "large scale" will be captured by Policy 4.2.1.3. As currently drafted, Policy 4.2.1.1 does not require smaller events to minimise adverse effects on the transport network.

Relief sought

- 43. KiwiRail seeks the following amendments to Policy 4.2.1.1, or such alternative or consequential relief that addresses KiwiRail's concerns:

Require temporary activities to be designed and operated to minimise, as far as practicable, adverse effects on:

- a. the amenity of surrounding properties; and
- b. people's health and safety; and
- c. the safety and efficiency of the transport network.

Transportation – Introduction – Section 6.1

- 44. In its Decision, the Council made a number of amendments to Section 6.1, including the addition of the statement that "Railways are principally managed via designations."¹¹

¹⁰ 2GP Decisions Version (dated 6 November 2018), Chapter 4 – Temporary Activities, at page 2.

¹¹ 2GP Decisions Version (dated 6 November 2018), Chapter 6 – Transportation, at page 1.

45. As set out above in respect of the definition of transportation activities, the effects of adjacent and nearby land uses on the rail network cannot be managed by KiwiRail's designations alone. KiwiRail's designations provide for use of a specified rail corridor, which cannot be moved due to the nature of rail infrastructure, and which only manage KiwiRail's activities carried out for railway purposes. There are a number of critical elements of KiwiRail's operations that are not generally covered under its designations, for example rail sidings that sit on third party or undesignated land. In addition, there is no obligation under the RMA for a requiring authority to rely exclusively on its designation for land use activities.
46. KiwiRail is not able to use its designations to manage or mitigate the potential for reverse sensitivity effects on its operations arising from the establishment of incompatible development (ie noise sensitive activities) in proximity to the rail corridor. Appropriate zoning and land use controls adjacent to the corridor are critical to ensure that the ongoing safe and efficient operation of the railway network is not unduly constrained due to issues of reverse sensitivity. Such controls already exist in the 2GP in respect of the road network, which is also designated, and receives the benefit of these and other provisions in addition to their designations. It is unreasonable and inappropriate that the Decision does not treat the rail network in the same way.

Relief sought

47. KiwiRail seeks that Section 6.1 be amended as follows, or such alternative or consequential relief that addresses KiwiRail's concerns:

This section of the Plan manages other key elements of the transport network, including the operation and development of roads and rail, and the establishment of passenger transportation hubs and heliports. ~~Railways are principally managed via designations.~~

Transportation – Operation, Repair and Maintenance – Policy 6.2.1.1 and Rule 6.3.2.1

48. The Decision version of Policy 6.2.1.1 and Rule 6.3.2.1, which relate to the operation, repair and maintenance of the roading network, fails to recognise and provide for those same activities in respect of the rail network.
49. Specific recognition of the rail network as a transportation activity is both necessary and appropriate, for the reasons outlined above in respect of the amendment sought to the definition of transportation activities. Rail should be provided for as a permitted activity in the 2GP, given its strategic importance in the movement of freight to, from, and throughout Dunedin.
50. The Decision's reasoning for the differential treatment of the road and rail networks, being that the rail corridor is principally managed through KiwiRail's designations, is not a logical, reasonable or appropriate distinction to draw. As outlined above in respect of Section 6.1, roads and state highways are also provided for in designations, and are of a similar character to the rail corridor, being linear infrastructure.

Relief sought

51. KiwiRail seeks the following amendments, or such alternative or consequential relief that addresses KiwiRail's concerns:

Policy 6.2.1.1

Enable the operation, repair and maintenance of the roading and rail network.

Rule 6.3.2.1

Operation, repair and maintenance of the roading and rail network.

Natural Environment – Setback from Coast and Water Bodies – Policy 10.2.2.2

52. Parts of KiwiRail's rail network are located in the coastal environment or in water bodies. The nature of rail infrastructure, being a long linear network, means that it is typically not possible to avoid locating rail lines, bridges or other structures in these areas.
53. The method included in the Decision of addressing the inability of the rail network to comply with the setback requirements (through Rule 10.3.3) is not the most efficient or effective way to give effect to Objective 10.2.2. A policy requiring a blanket setback for certain activities conflicts with a rule that allows for certain exemptions to that rule. The amendment sought by KiwiRail, or similar, is needed to reflect the fact that there are some exemptions to the setback requirement.

Relief sought

54. KiwiRail seeks the following amendment to Policy 10.2.2.2, or such alternative or consequential relief that addresses KiwiRail's concerns:

Require buildings, structures, storage and use of hazardous substances, network utility activities, and earthworks – large scale to be set back from the coast and water bodies an adequate distance where practicable to enable the biodiversity and natural character values of coastal and riparian margins to be maintained or enhanced.

Natural Environment – Setback from Coast and Water Bodies – Rule 10.3.3

55. In addition to bridges, culverts and fords, causeways over the coastal environment and water bodies also form an integral part of the rail network. The operation, repair and maintenance of these assets will necessarily involve works in these areas, works which are not provided for as an exemption to the setback requirement provided under Rule 10.3.3 in the Decision.
56. The Decision added the following additional paragraph to Rule 10.3.3.6, which it is stated will provide for causeways as an exemption to the requirement to have structures set back from the coast and water bodies:

- o. earthworks associated with the operation, repair and maintenance of the existing roading network.

57. The Decision does not address KiwiRail's concern. KiwiRail is concerned to ensure that causeways that form part of the *rail* network are exempted from the setback requirement, to provide the ability for KiwiRail to operate, repair and maintain existing causeways. The Council's amendment is limited to the roading network. For the reasons given above in respect of the definition of transportation activities, it is both necessary and appropriate that rail is specifically recognised and provided for throughout the 2GP.

Relief sought

58. KiwiRail seeks the following amendment to Rule 10.3.3, or such alternative or consequential relief that addresses KiwiRail's concerns:

- 6. Except, the following are exempt from this standard: [...]

- o. earthworks associated with the operation, repair and maintenance of the existing roading or rail network.

Residential, Commercial and Mix Use, Industrial and Recreation Zones – Setback from Rail Corridor – Rules 15.6.14.1, 18.6.17, 19.6.11.1 and 20.6.12.1

59. Where the rail corridor adjoins a site that is owned or occupied by a third party, maintenance of that site (eg cleaning, painting, vegetation clearance) can give rise to significant safety issues for KiwiRail. Trains cannot stop in a hurry, and any person or equipment, such as poles and ladders, can all potentially be hit by an oncoming train if they encroach into the rail corridor.

60. Access to the rail corridor is not available without first receiving the necessary permits and adhering to the prescribed safety procedures, unlike when accessing a road. KiwiRail therefore seeks to ensure that buildings on sites adjoining the rail corridor are appropriately setback, to reduce the risk of safety being compromised.

61. The Decision fails to include a setback requirement for these purposes. The setback rules sought by KiwiRail are not intended to address mitigation for noise effects associated with rail activities. They are concerned with avoiding or minimising the potential adverse effects on the safety of the rail corridor that may arise from the location of any type of building (sensitive or not) adjacent to the rail corridor. As such, the requirements for noise sensitive activities to be set back 70m from the rail corridor as included in the Decision does not address KiwiRail's concern.

62. KiwiRail supports the existing setbacks from rail crossings for safety reasons, however these setbacks do not apply to the whole of the rail corridor. The amendments sought by KiwiRail are necessary to ensure that the risk of incidents occurring as a result of encroachment into the rail corridor is appropriately managed throughout Dunedin. The proposed setback is also supported by Objective 9.2.2, which seeks to encourage land use and development that maintains or enhances people's health and safety.

Relief sought

63. KiwiRail seeks that Rules 15.6.14.1, 18.6.17, 19.6.11.1 and 20.6.12.1 be amended to include a requirement for a 5m setback from the rail corridor for new buildings or structures, including additions and alterations to existing structures, or such alternative or consequential relief that addresses KiwiRail's concerns.

Residential Zones – Reverse Sensitivity – Policy 15.2.2.x

64. The Decision does not provide any policy protection against the potential for reverse sensitivity effects on network utilities within the Residential Zone. This is surprising, given that the Decision includes similar policies in the Rural Zones and Rural Residential Zones chapters, which direct that residential buildings be required to minimise the potential for reverse sensitivity effects by being set back an adequate distance from site boundaries.¹² It is inappropriate and unreasonable that such a policy is not also provided in the Residential Zones chapter, given that residential buildings are most likely to establish in the Residential Zone.
65. The policy proposed by KiwiRail is an efficient and effective means of giving effect to Objective 15.2.2, which seeks to ensure that residential activities and development provides a high quality of on-site amenity for residents. By directing that noise sensitive activities be set back from site boundaries and requiring them to be acoustically insulated as appropriate, KiwiRail's proposed policy is entirely consistent with this objective. It also provides policy support for the acoustic mitigation requirement provided under Rule 15.5.1.

Relief sought

66. KiwiRail seeks the following relief, or such alternative or consequential relief that addresses KiwiRail's concerns:

Require buildings containing noise sensitive activities to be set back an adequate distance from site boundaries and to install the appropriate mitigation, to minimise the potential for reverse sensitivity effects on network utilities.

Residential Zones – Boundary Setback – Rule 15.10.4.2

67. As outlined above, the Decision does not include a requirement for new buildings or structures (including additions and alterations) to be set back from the rail corridor. The Decision therefore also does not include a corresponding requirement to consider the purpose of this setback (the safety of the rail corridor) when assessing resource consent applications for activities that breach that requirement.
68. The amendment sought by KiwiRail is appropriate, as it will ensure that applications for resource consent for activities that do not comply with the minimum setback requirement in respect of the rail corridor will be required to demonstrate that they will not adversely affect the safety of the rail corridor.

¹² Policies 16.2.2.1 and 17.2.2.1.

Relief sought

69. KiwiRail seeks that Rule 15.10.4.2 be amended as follows, or such alternative or consequential relief that will address KiwiRail's concerns:

2.	Boundary setback (Rule 15.6.13.1.a.viii.3 and 6)	a. Effects on health and safety	See Rule 6.10
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Commercial and Mixed Use Zones – Setbacks for Buildings Containing Noise Sensitive Activities – Policy 18.2.2.x

70. KiwiRail supports the existing protections for the rail network against potential reverse sensitivity effects outlined by the Council, in particular the requirement for noise sensitive activities to be acoustically insulated within 70m of a railway line. However, as currently drafted, there is no policy support for this requirement in the Commercial and Mixed Use Zone chapter.
71. The 2GP must include policies that implement its objectives.¹³ Objective 18.2.2 directs that the potential for reverse sensitivity effects be minimised as far as practicable within the Commercial and Mixed Use Zone. A policy seeking to achieve this aim with respect to the potential conflict between noise sensitive activities and the rail corridor is therefore appropriate, and is the most efficient and effective means of giving effect to Objective 18.2.2.

Relief sought

72. KiwiRail seeks that the Commercial and Mixed Use Zone chapter be amended to include the following policy, or such alternative or consequential relief that addresses KiwiRail's concerns:

Require buildings containing noise sensitive activities to be set back an adequate distance from site boundaries and to install the appropriate mitigation, to minimise the potential for reverse sensitivity effects on network utilities.

ATTACHMENTS

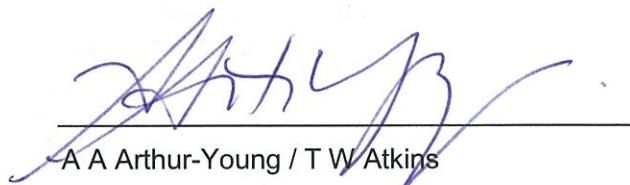
73. The following documents are attached to this notice:
- (a) A copy of the relevant parts of the Decision.
 - (b) A copy of KiwiRail's submission and further submission.
 - (c) A list of relevant names and addresses of persons who lodged submissions who are to be served with a copy of this notice.

¹³

RMA, s 75(1)(b).

KIWI RAIL HOLDINGS LIMITED by its solicitors
and authorised agents Russell McVeagh:

Signature:


A A Arthur-Young / T W Atkins

Date:

19 December 2018

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TO: The Registrar of the Environment Court at Christchurch.
AND TO: The Dunedin City Council.
AND TO: The relevant submitters on the provisions appealed.

Advice to recipients of copy of notice of appeal

How to become a party to proceedings

1. You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.
2. To become a party to the appeal, you must:
 - (a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
 - (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

3. Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.
4. You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

Advice

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

