

**IN THE ENVIRONMENT COURT
CHIRSTCHURCH**

ENV-2025-CHC-048

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

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

AND

IN THE MATTER of section 274 of the RMA

BETWEEN **ROYAL FOREST AND BIRD PROTECTION
SOCIETY OF NEW ZEALAND INCORPORATED**

Appellant

AND **TIMARU DISTRICT COUNCIL**

Respondent

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

27 MAY 2026

**Russell
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To: The Registrar of the Environment Court at Christchurch

KIWIRAIL HOLDINGS LIMITED ("KiwiRail") wishes to be a party to an appeal by Royal Forest and Bird Protection Society of New Zealand ("**Forest and Bird**") against the decision of the Timaru District Council on the Proposed Timaru District Plan ("**Proposed Plan**").

Nature of Interest

1. KiwiRail:
 - (a) made a submission on the Proposed Plan on 15 December 2022, which included submissions on a number of provisions in the appeal;¹ and
 - (b) has an interest in the proceedings that is greater than the interest that the general public has as the appeal relates to infrastructure and network utility operator provisions which are directly applicable to KiwiRail as the operator of the rail network in the Timaru District.
2. KiwiRail is not a trade competitor for the purposes of section 308C or 308CA of the RMA.

Extent of Interest

3. KiwiRail is the State-Owned Enterprise responsible for the construction, maintenance and operation of New Zealand's rail network including within the Timaru District subject to the Proposed Plan and a network utility operator for the purposes of the RMA.
4. Forest and Bird has sought amendments in its appeal to various provisions in the Proposed Plan, including those within the Energy and Infrastructure ("**EI**"), Ecosystems and Indigenous Biodiversity ("**ECO**"), Coastal Environment ("**CE**") and Natural Character ("**NATC**") chapters.
5. KiwiRail is interested in the parts of the proceeding which relate to infrastructure in the chapters mentioned in paragraph 4 above, including:
 - (a) the Introduction to the EI Chapter;

¹ Submission Number 187.

² Notice of Appeal by Forest and Bird dated 6 May 2026, Appendix A.

- (b) **EI-O2** (adverse effects of infrastructure including regionally significant infrastructure and lifeline utilities);
 - (c) **EI-P2** (managing adverse effects of regionally significant infrastructure and lifeline utilities and other infrastructure), **EI-P2X** (managing adverse effects of regionally significant infrastructure and lifeline utilities and other infrastructure in all environments) and **EI-P6** (application of provisions);
 - (d) **EI-R3** (upgrading of above ground network utilities not otherwise listed in this chapter);
 - (e) **ECO-P2** (appropriate indigenous vegetation clearance in significant natural areas) and **ECO-P8** (Indigenous biodiversity in the coastal environment);
 - (f) **CE-O8** (regionally significant infrastructure and lifeline utilities);
 - (g) **CE-P9** (preserve the natural character qualities of areas with coastal high natural character); and
 - (h) **CE-R8** (regionally significant infrastructure – maintenance and upgrade) and **CE-9** (regionally significant infrastructure – new).
6. KiwiRail considers the relief sought to the provisions above has the potential to constrain the ongoing efficient operation and future development of the rail network, which is nationally and regionally significant infrastructure. In particular, the amendments seek to establish a more restrictive planning framework for the construction, operation and maintenance of regionally significant infrastructure and network utilities (which includes the rail network) in particular environments in the Timaru District.

Relief sought

7. KiwiRail opposes the relief sought because it:
- (a) will not promote the sustainable management of natural and physical resources within the Timaru District, and is therefore inconsistent with Part 2 and other provisions of the RMA;
 - (b) will not meet the reasonably foreseeable needs of future generations;
 - (c) will not enable the social, economic and cultural wellbeing of the people of Timaru;

- (d) will not facilitate the efficient use and development of natural and physical resources;
- (e) will not avoid, remedy or mitigate actual or potential adverse effects on the environment; and
- (f) is not the most appropriate way to achieve the objectives of the Proposed Plan in terms of section 32 of the RMA.

Alternative dispute resolution

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

KIWIRAIL HOLDINGS LIMITED by its solicitors
and authorised agents Russell McVeagh:



Signature: L J E Rapley / K M Dibley

Date: 27 May 2026

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