

**IN THE ENVIRONMENT COURT
CHRISTCHURCH**

ENV 2025-CHC-000131

**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 an appeal under Clause 14 of Schedule 1 of the
RMA

BETWEEN

BULLER DISTRICT COUNCIL

Appellant

AND

BULLER DISTRICT COUNCIL

GREY DISTRICT COUNCIL

WESTLAND DISTRICT COUNCIL

Respondents

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

2 FEBRUARY 2026

**Russell
McAugh**

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To: The Registrar of the Environment Court at Christchurch

KIWI RAIL HOLDINGS LIMITED ("KiwiRail") wishes to be a party to an appeal by Buller District Council ("**BDC**") against parts of the decision of Buller District Council, Grey District Council and Westland District Council on the Proposed Te Tai o Poutini Plan ("**Proposed Plan**").

Nature of Interest

1. KiwiRail made a submission on the Proposed Plan about the subject matter of the proceedings. KiwiRail also has an interest in these proceedings greater than the general public has as the operator of the rail network in the West Coast region.
2. KiwiRail is not a trade competitor for the purpose of sections 308C or 308CA of the RMA.

Extent of Interest

3. KiwiRail is the State-Owned Enterprise responsible for the management and operation of New Zealand's national railway network including within the districts subject to the Proposed Plan and a network utility operator for the purposes of the RMA and the Proposed Plan.
4. BDC has sought amendments to various provisions in the Proposed Plan, including policies and rules in Part 2 – District-Wide Matters. KiwiRail is interested in the parts of the proceeding seeking amendments to NOISE-R3.2;¹ and NOISE-R3.3.²
5. NOISE-R3.2 contains acoustic insulation requirements addressing noise effects on new or altered buildings containing sensitive activities located 100 metres of the edge of the railway tracks. BDC seeks amendment of NOISE-R3.2 to reduce the distance from 100 metres to 40 metres.
6. NOISE-R3.3 contains acoustic insulation requirements addressing vibration effects on new or altered buildings used by sensitive activities located 60 metres of the edge of the tracks of the railway line. BDC seeks amendment of NOISE-R3.3 to reduce the distance from 60 metres to 40 metres.

¹ Notice of Appeal by Buller District Council dated 8 December 2025, Appendix 1.

² Notice of Appeal by Buller District Council dated 8 December 2025, Appendix 1.

7. KiwiRail opposes the relief sought. The controls set out in NOISE-R3.2 and R3.3 are important to ensure that where development occurs near the rail corridor, the adverse health and amenity effects on adjacent uses resulting from the operation of the rail corridor, and potential reverse sensitivity effects on the rail corridor are managed.
8. The reduced distances sought by BDC are not sufficient to manage the adverse effects on sensitive uses located adjacent to the rail corridor and have the potential to adversely affect the ongoing operation of the rail corridor as a result of reverse sensitivity effects. A distance of 100 metres from the rail corridor designation boundary for noise controls and 60 metres for vibration controls represent a reasonable compromise and allow adverse effects on the most affected sites to be appropriately managed.
9. KiwiRail considers the relief sought has the potential to constrain the ongoing efficient operation and future development of the rail network, which is regionally and nationally significant infrastructure.

Relief Sought

10. KiwiRail opposes the relief sought because it:
 - (a) will not promote the sustainable management of natural and physical resources within the Buller District, Grey District and Westland 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 the Buller District, Grey District and Westland District;
 - (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

11. 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 L Gunnell

Date: 2 February 2026

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