

**IN THE ENVIRONMENT COURT  
CHRISTCHURCH**

**ENV 2025-CHC-000118**

**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** **WMS GROUP (HQ) LIMITED**

Appellant

**AND**

**BULLER DISTRICT COUNCIL**

**GREY DISTRICT COUNCIL**

**WESTLAND DISTRICT COUNCIL**

Respondents

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

**2 FEBRUARY 2026**

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**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 WMS Group (HQ) Limited ("**WMS**") 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 and has an interest in the proceedings that is greater than the interest that the general public has as 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. WMS 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 related to rule NOISE-R9.
5. NOISE-R3 provides that activities that do not meet the permitted activity standards are a restricted discretionary activity. NOISE-R9 sets out the matters of discretion when considering any application for a restricted discretionary activity. WMS's relief refers to the relief sought in the West Coast Bulk Logistics further submission which seeks the deletion of NOISE-R9.<sup>1</sup> This further submission appears to relate to the Port Zone.
6. NOISE-R9 is needed to set out the matters of discretion for consideration when deciding an application that does not comply with the permitted activity standards set out in NOISE-R3. It is important the plan clearly sets out the matters of discretion for restricted discretionary activities. The removal of NOISE-R9 will affect the workability of the plan.

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<sup>1</sup> Notice of Appeal by WMS Group (HQ) Limited dated 8 December 2025 at page 7.

**Relief Sought**

7. 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**

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:**

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L J E Rapley / K L Gunnell

**Date:**

2 February 2026

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