

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHĪ**

Decision No. [2026] NZEnvC 165

IN THE MATTER of the Resource Management Act 1991

AND an appeal under clause 14 of the First
Schedule of the Act

BETWEEN KIWIRAIL HOLDINGS LIMITED

(ENV-2025-CHC-124)

Appellant

AND TE TAI O POUTINI PLAN
COMMITTEE

Respondent

Environment Judge K G Reid – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 30 June 2026

CONSENT ORDER

A: Under s279(1)(b) of the RMA,¹ the Environment Court, by consent, orders
that:

(1) the appeal is allowed to the extent that the changes shown in
Appendix A are made to the Te Tai o Poutini Plan;



¹ Resource Management Act 1991.

- (2) the appeal points allocated to Topic 23: Transport, are resolved in full;
and
- (3) the appeal remains open.

B: Under s285 RMA, there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns an appeal by KiwiRail Holdings Limited (KiwiRail) against the decision of the Te Tai o Poutini Plan Committee on the Te Tai o Poutini Plan (TTPP).

Agreement reached

[2] I have read and considered the consent memorandum of the parties dated 27 May 2026 which proposes to resolve the appeal points relating to TRN-R7 and TRN-R14.²

[3] KiwiRail’s appeal sought amendments to provisions TRN-R7 and TRN-R14 in the Transport chapter of the TTPP to protect sight lines at all rail level crossings as a measure of ensuring public safety is maintained at rail crossings. The agreed amendments:

- (a) clarify the permitted activity standard in TRN-R7 by expressly requiring that buildings, structures, planting or other visual obstructions must not be located within the “Obstruction Free Zone” shown in TRN Figure 9; and
- (b) add “engagement with KiwiRail” as a matter of discretion for restricted discretionary activities under TRN-R14 where TRN-R7 is

² The consent memorandum is dated 27 May 2026, but was received by the court on 11 June 2026.

not met, ensuring consent applicants engage with KiwiRail regarding any non-compliances.

Other relevant matters

[4] Buller District Council and Westpower Limited gave notice of an intention to become interested parties to this appeal under s274 RMA, and have signed the memorandum setting out the relief sought.

[5] The following s274 parties to the KiwiRail appeal indicated they have no interest in these specific appeal points:

- (a) Bathurst Resources Limited and BT Mining Limited;
- (b) Grey District Council;
- (c) Manawa Energy Limited;
- (d) Royal Forest and Bird Protection Society of New Zealand Incorporated; and
- (e) Te Rūnanga o Makaawhio, Te Rūnanga o Ngāi Tahu, and Te Rūnanga o Ngāti Waewae.

[6] The consent memorandum records the parties' assurances that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the Act including, in particular, Pt 2.

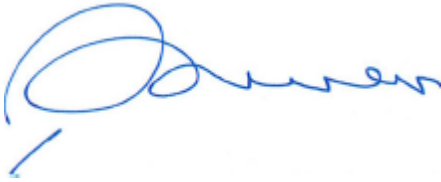
[7] No party seeks costs, all parties agreeing that costs should lie where they fall.

Orders

[8] The court makes this order under s279(1) RMA, by consent, rather than as a decision or determination on the merits under s297.

[9] The court understands, for present purposes, that all relevant parties to the proceeding have executed the memorandum requesting the orders.

[10] Based on the information provided, the court is satisfied that the orders will promote the purpose of the RMA. Accordingly, the appeal is allowed to the extent that the changes shown in Appendix A are made to the Te Tai o Poutini Plan.



K G Reid
Environment Judge

Appendix A

Amendments agreed in red underline / ~~strikethrough~~

TRN – R7: Sight Lines at Railway Crossings

Activity Status Permitted

Where:

1. ~~The sightlines in TRN Figure 9 are complied with.~~ The ‘Obstruction Free Zone’ identified in TRN - Figure 9 – Sight Line Requirements at Railway Crossings is free of buildings, structures, planting or other visual obstructions which may limit visibility of the rail crossing.

[...]

TRN – R14: Sight Lines at Railway Crossings not meeting Permitted Activity standards

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. The potential for adverse effects on the safety and efficiency of the rail network.
- b. Outcome of engagement with KiwiRail.

