

In the Environment Court
At Auckland

ENV-2024-AKL-000049

I te Kōti Taiao o Aotearoa
Ki Tāmaki Makaurau

Under the Resource Management Act 1991 (**RMA**)

In the matter of an appeal under clause 14(1) of Schedule 1 of the RMA against proposed Change 6 to the Bay of Plenty Regional Policy Statement

Between **KiwiRail Holdings Limited**

Appellant

And **Bay of Plenty Regional Council**

Respondent

NOTICE OF WISH TO BE PARTY TO PROCEEDINGS

15 April 2024



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To: The Registrar
Environment Court
Auckland

1. Tauranga City Council wishes to be a party to the following proceedings:

ENV-2024-AKL-000049: KiwiRail Holdings Limited v Bay of Plenty Regional Council

2. Tauranga City Council is a local authority.

3. Tauranga City Council made a submission dated 5 September 2022 on proposed Change 6 to the Bay of Plenty Regional Policy Statement.

4. Tauranga City Council is not a trade competitor for the purposes of section 308C or 308CA of the RMA.

5. Tauranga City Council is interested in all of the proceedings, in particular the appellant's proposed amendments to:

(a) Insert references to reverse sensitivity in Issue 2.8.1, Policy UG 7A, Policy UG 7AX, Policy UG 13B and Policy UG 14B, along with other amendments;

(b) Include reference to the growth plans of network utility providers and operators in Objective 25; and

(c) Delete paragraph (d) from Policy UG 10B, which requires rezoning or other provisions for urban development of land to take into account efficient use of local authority and central government financial resources, including prudent local authority debt management.

6. In respect of the relief sought by the appellant, Tauranga City Council:
- (a) Opposes the relief seeking to include references to reverse sensitivity in Issue 2.8.1, Policy UG 7A, Policy UG 7AX, Policy UG 13B and Policy UG 14B, because the relief would result in unnecessary duplication of existing provisions in the regional policy statement, including:
 - (i) Policy EI 3B: Protecting nationally and regionally significant infrastructure; and
 - (ii) Policy EI 7B: Managing the effects of infrastructure development and use.
 - (b) Opposes the relief seeking to include reference to the growth plans of network utility providers and operators in Objective 25, because Objective 25 already requires development to be integrated with the long-term planning and funding mechanisms of network utility providers; and
 - (c) Opposes the relief seeking to delete paragraph (d) from Policy UG 10B, because:
 - (i) The paragraph requires efficient use of local authority resources when rezoning, which is consistent with Part 2 of the RMA and necessary to achieve the objectives of the change; and
 - (ii) The paragraph relates to integration between land use planning and local authority funding, which is consistent with Part 2 of the RMA and necessary to achieve the objectives of the change.
7. Tauranga City Council agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 15th day of April 2024



Tim Fischer / Matt Whitmore

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