

**In the Environment Court
at Wellington**

ENV-2023-WLG-000005

**I Te Kōti Taiao o
Te Whanganui-a-Tara Rohe**

**In the Matter
And**

of the Resource Management Act 1991

In the Matter

of applications under section 88 of the Act for resource consents to construct, operate and maintain a state highway, shared pathway and associated infrastructure and notices of requirement under section 168 of the Act for designations to construct, operate, maintain and improve a state highway, shared pathway and associated infrastructure

Between

**WAKA KOTAHĪ NEW ZEALAND
TRANSPORT AGENCY**

Applicant

And

**HORIZONS REGIONAL COUNCIL,
GREATER WELLINGTON
REGIONAL COUNCIL,
HOROWHENUA DISTRICT
COUNCIL, KĀPITI COAST
DISTRICT COUNCIL**

Respondent

**Notice of wish to be party to proceedings
by **KiwiRail Holdings Limited****

Dated: 22 May 2023

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To: The Registrar
Environment Court
Wellington

1. KiwiRail Holdings Limited (**KiwiRail**) wishes to be party to ENV-2023-WLG-000005 being proceedings relating to a direct referral initiated by Waka Kotahi New Zealand Transport Agency (**Waka Kotahi**) for:
 - (a) applications for resource consents to construct, operate and maintain a state highway and shared use pathway and associated infrastructure under section 88 of the Resource Management Act 1991 (**Act**); and
 - (b) notices of requirement for designations to construct, operate, maintain and improve a state highway and shared use pathway and associated infrastructure under s 168 of the Act (together, the **Proposal**).
2. KiwiRail made a submission on the Proposal on 28 February 2023.
3. KiwiRail is not a trade competitor for the purposes of Section 308C or 308CA of the Act.
4. KiwiRail is interested in all of the proceedings.
5. While in no way limiting the generality of KiwiRail's interest in any part of the proceedings, KiwiRail is interested in the following particular issues:
 - (a) the interaction between the Proposal and the level crossing at Tararua Road and associated safety and efficiency issues;
 - (b) the erosion and sediment control measures to the extent that erosion and sedimentation have the potential to impact on KiwiRail assets;
 - (c) potential construction effects to the extent that these have the potential to impact on KiwiRail's assets and operation, including effects arising from dust and the impacts of construction access points;
 - (d) the design and size of culverts associated with stormwater management;
 - (e) the design of bridge structures where these interact with the rail corridor;
 - (f) the conditions of consent; and
 - (g) any other aspects of the Proposal with the potential to generate effects in relation to the rail corridor and rail network operation.

6. KiwiRail conditionally supports the Proposal for the following reasons:
- (a) KiwiRail's preference is for grade separation to occur at the proposed level crossing at Tararua Road. As traffic volumes are projected to significantly increase as a result of the Proposal, KiwiRail considers that grade separation will be important to ensure the safe and effective functioning of both the existing railway and the proposed road. KiwiRail understands that Waka Kotahi have plans to undertake an alternative design for this crossing in the future, however the timeframe and design for this essential work is currently uncertain;
 - (b) Inadequate erosion and sediment control has the potential to adversely impact the rail network in terms of both safety and efficiency. For example, unintentional discharge of sediment laden water could impact the operation of the railway line given that the rail corridor is located to the west and downstream of the Proposal;
 - (c) Construction effects such as dust have the potential to impact visibility for trains moving along KiwiRail's network and need to be adequately managed through consent and designation conditions;
 - (d) Any construction access points immediately adjacent to the rail corridor or that require access across existing level crossings may generate adverse effects or result in the need to upgrade existing crossings. Clarification as to the location and nature of these crossings is therefore important to ensure appropriate interactions with KiwiRail's assets and operations;
 - (e) The design and size of the culverts must be sufficient to ensure that any culverts downstream of the Proposal are not adversely impacted by flows that are generated as a result of the Proposal or as a result of redirections into existing stormwater systems; and
 - (f) At the northern end of the Proposal, the road will pass over the rail corridor and specific design input will be required to ensure that KiwiRail's requirements are met. These include ensuring necessary clearances under the proposed bridge and that the width of the corridor is maintained within the bridge abutments for the road.

7. KiwiRail agrees to participate in mediation or other dispute resolution of the proceedings.

Dated this 22nd day of May 2023



Joshua Leckie / Sarah Anderton
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