

BEFORE THE INDEPENDENT COMMISSIONERS

IN THE MATTER of the Resource Management Act 1991 ("**RMA**")

AND

IN THE MATTER a submission by KiwiRail Holdings Ltd ("**KiwiRail**")
(submitter 408) on Hearing Stream 10 – Designations
to the Wellington City Proposed District Plan
("**Proposed Plan**")

**MEMORANDUM OF COUNSEL ON BEHALF OF KIWIRAIL HOLDINGS LIMITED -
RESPONSE TO MINUTE 52**

30 JULY 2024

MAY IT PLEASE THE PANEL:

1. On 17 July 2024, the Wellington City Proposed District Plan Hearings Panel issued Minute 52 ("**Minute**") in response to an application made by KiwiRail to defer the hearing of matters relating to the KiwiRail designation.¹ The Minute directed KiwiRail to provide a status report of progress in clarifying the matter on or before 30 July.
2. The Minute recorded the Panel's interest in a review of the documentation relating to KiwiRail's designations dating back to the notification of the Wellington Operative District Plan and, if necessary, the predecessor District Planning Schemes to see what KiwiRail's predecessors sought be designated (and which were subsequently rolled over).
3. KiwiRail's review of the documentation relating to the notification of the Wellington Operative District Plan did not provide sufficient clarity on the issue. Accordingly, KiwiRail has undertaken research in the Wellington City Council archives and has been able to review the 1985 and 1959 District Planning Schemes.
4. The outstanding predecessor plan research relates to material held in the archives at Hutt City, which KiwiRail will be reviewing shortly, coupled with its review of selected properties for each tunnel (we confirm KiwiRail is not undertaking a full property audit). KiwiRail considers that it will be able to complete that research and record its findings within the next two weeks. KiwiRail respectfully seeks that the Panel direct KiwiRail to respond with its proposal on or before 13 August.

DATED: 30 July 2024



A A Arthur-Young / K L Gunnell
Counsel for KiwiRail Holdings Limited

¹ Memorandum of Counsel on behalf of KiwiRail in relation to the deferral of the hearing of KiwiRail's submissions on Hearing Stream 10, dated 12 July 2024.