

In the Environment Court of New Zealand  
at Wellington  
I Mua i Te Kōti Taiau o Aotearoa  
Te Whanganui a Tara Rohe

ENV-2019-WLG-000107

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*under:* the Resource Management Act 1991

*in the matter of:* an application under section 274 of the Act

*between:* **Land Matters**  
Appellant

*and:* **Wellington Regional Council**  
Respondent

Notice of the New Zealand Transport Agency's wish to be party to  
proceeding

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Dated: 9 October 2019

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**Form 33****NOTICE OF THE NEW ZEALAND TRANSPORT AGENCY'S WISH TO BE PARTY TO PROCEEDINGS**

*Section 274, Resource Management Act 1991*

**To** The Registrar  
Environment Court  
Wellington

- 1 The New Zealand Transport Agency (*Transport Agency*) wishes to be a party to the appeal by Land Matters (*Appellant*) on the decision of an independent hearing panel on behalf of the Wellington Regional Council (*Council*) on the Proposed Natural Resources Plan (*Proposed Plan*) (*Decision*).

**The Transport Agency's interest in these proceedings**

- 2 The Transport Agency made a submission about the subject matter of the proceedings.
- 3 The Transport Agency is a person who has an interest in the proceedings that is greater than the interest of the general public. Under the Land Transport Management Act 2003, the Transport Agency must undertake its functions in a way that contributes to an effective, efficient and safe land transport system in the public interest.
- 4 The Transport Agency is not a trade competitor for the purpose of section 308C of the Resource Management Act 1991 (*RMA*).
- 5 The Transport Agency is interested in parts of the proceedings that may affect its ability to construct, operate, maintain and upgrade its infrastructure, including in particular the following parts of the proceedings:
- 5.1 The definition of "Natural Wetlands";
- 5.2 Objective 28;
- 5.3 Policy 40; and
- 5.4 Rules pertaining to activities in Significant Natural Wetlands.

**Relief supported in part by the Transport Agency**

- 6 The Transport Agency supports the relief sought because it:
- 6.1 Promotes the sustainable management of natural and physical resources;
- 6.2 Promotes the efficient use and development of natural and physical resources;

- 6.3 Results in the most appropriate plan provisions in terms of section 32 of the RMA;
  - 6.4 Implements the Council's functions under section 30 of the RMA;
  - 6.5 Gives effect to higher order planning documents under section 67(3) of the RMA; and
  - 6.6 Is consistent with good resource management practice.
- 7 Without limiting the generality of the reasons outlined above, the specific reasons for the Transport Agency's support include:
- 7.1 The Proposed Plan must give effect to the Wellington Regional Policy Statement<sup>1</sup>, the National Policy Statement for Freshwater Management<sup>2</sup> and the New Zealand Coastal Policy Statement<sup>3</sup> as higher order documents under section 67(3) of the RMA;
  - 7.2 These higher order planning documents require the Proposed Plan to:
    - (a) recognise and protect the social, economic, cultural and environmental benefits of Regionally Significant Infrastructure;
    - (b) protect and safeguard identified significant environmental values through maintenance of values where those values are provided for, or through improvement or restoration where those values are degraded; and
    - (c) provide for "competing considerations" of benefits of adverse effects of Regionally Significant Infrastructure to "be weighed on a case-by-case basis to determine what is appropriate in the circumstances."
  - 7.3 To give effect to this framework, the Proposed Plan should:
    - (a) provide a platform where evaluation of the benefits of proposed activities can be undertaken, balanced against adverse effects of those activities and competing environmental values and policies;

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<sup>1</sup> Objectives 3, 7, 13 and 16 and policies 18, 19 and 24.

<sup>2</sup> Objectives A1 and A2.

<sup>3</sup> Objective 1.

- (b) provide for the maintenance of environmental values where those values have met the significance threshold;
- (c) provide for the improvement, enhancement or restoration of specific identified values where those values are degraded; and
- (d) set a point at which improvement, enhancement or restoration is not required, as directed by the higher order planning documents.

**Relief sought**

- 8 The Transport Agency supports the relief sought by the Appellant, or similar relief that has the same effect.

**Mediation**

- 9 The Transport Agency agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**Signed** for and on behalf of New Zealand Transport Agency by its solicitors and authorised agents Chapman Tripp



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Paula Brosnahan / Rebecca Tompkins  
Partner / Senior Associate

9 October 2019

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**Advice**

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.