

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-000106

under: the Resource Management Act 1991

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

between: **Minister of Conservation**
Appellant

and: **Wellington Regional Council**
Respondent

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

Dated: 9 October 2019

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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 Minister of Conservation (*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 Definition of Seawall;
 - 5.2 Proposed new coastal hazards objective;
 - 5.3 Objective 25;
 - 5.4 Policy 102;
 - 5.5 Policy 138;
 - 5.6 Rule 117;
 - 5.7 Rule 122;
 - 5.8 Rule 127(a);
 - 5.9 Rule 151; and

5.10 Rule 165.

Relief opposed by the Transport Agency

- 6 The Transport Agency opposes the relief sought by the Appellant because it:
- 6.1 Does not promote the sustainable management of natural and physical resources;
 - 6.2 Does not promote the efficient use and development of natural and physical resources;
 - 6.3 Does not result in the most appropriate plan provisions in terms of section 32 of the RMA;
 - 6.4 Does not implement the Council's functions under section 30 of the RMA;
 - 6.5 Does not give effect to higher order planning documents under section 67(3) of the RMA; and
 - 6.6 Is contrary to good resource management practice.
- 7 Without limiting the generality of the reasons outlined above, the specific reasons for the Transport Agency's opposition to the relief sought include:
- 7.1 The Proposed Plan is required to give effect to the Wellington Regional Policy Statement (*RPS*). To give effect to Objective 10 and Policy 7 of the RPS, the Proposed Plan should "provide for" Regionally Significant Infrastructure. The RPS requires that "the social, economic, cultural and environmental benefits of regionally significant infrastructure are recognised and protected";
 - 7.2 The Proposed Plan must provide a policy framework that recognises and provides for new and upgraded Regionally Significant Infrastructure in all environments where there is a functional need or operational requirement, including the presence of existing infrastructure;
 - 7.3 The Proposed Plan must provide a platform whereby a case-by-case evaluation of the benefits of Regionally Significant Infrastructure can be undertaken, balanced against its adverse effects and competing environmental policies whilst taking into account the existing environment and the technical and operational requirements of the state highway network;
 - 7.4 The use of absolute terms such as "avoid" and unclear terms such as "minimise" in the objectives and policies framework of the Proposed Plan is inconsistent with effects based planning, especially in the context of linear Regionally Significant Infrastructure; and
 - 7.5 Non-complying activity status is not an appropriate method for managing the effects of Regionally Significant Infrastructure.

Relief sought

- 8 The Transport Agency seeks that the relief sought by the Appellant is rejected.

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



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.