

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-000125

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*under:* the Resource Management Act 1991

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

*between:* **Rangitane Tū Mai Rā Trust and Rangitane o  
Wairarapa Incorporated Society**  
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 Rangitane Tū Mai Rā Trust and Rangitane o Wairarapa Incorporated Society (*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 "upgrade";
  - 5.2 Objective 13;
  - 5.3 Objective 28;
  - 5.4 Objective 31;
  - 5.5 Objective 32;
  - 5.6 Objective 47;
  - 5.7 Policy 13;

5.8 Policy 14;

5.9 Policy 48;

5.10 Policy 138.

**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 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;

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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) 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;
- (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.

7.4 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;

7.5 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.

**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



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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.