
under: the Resource Management Act 1991

in the matter of: a submission by the New Zealand Transport Agency
(submitter number 146) on the Greater Wellington
Regional Council Proposed Natural Resources Plan for
the Wellington Region

by: **New Zealand Transport Agency**
Submitter

Memorandum of Counsel on behalf of the New Zealand Transport
Agency regarding the review of the objectives of the Proposed
Natural Resources Plan

Dated: 28 July 2017

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**MEMORANDUM OF COUNSEL ON BEHALF OF THE NEW ZEALAND TRANSPORT
AGENCY REGARDING THE REVIEW OF THE OBJECTIVES OF THE PROPOSED
NATURAL RESOURCES PLAN**

Introduction

- 1 The New Zealand Transport Agency (*Transport Agency*), wishes to comment on the "Review of the objectives of the Greater Wellington Proposed Natural Resources Plan" (*Proposed Plan*), dated 14 July 2017, undertaken by Gerard Willis (*Review*), in accordance with the Hearing Panel's (*Panel*) directions.¹

Overall position

- 2 As a general comment, the Transport Agency agrees with the statement in the Review that "...a plan is about performing clear functions that require decisions to be made about how resources are used, and what outcomes in the environment will be acceptable".²
- 3 As outlined in the Transport Agency's evidence and submissions in relation to Hearing Stream 1,³ the Transport Agency considers that in order to effectively facilitate the sustainable management of competing resources in the Wellington region, the Proposed Plan must:
- 3.1 Include clear definitions including specifically a definition of the Strategic Transport Network which captures all of the Transport Agency's infrastructure as Regionally Significant Infrastructure;
 - 3.2 Set clear objectives and policies to enable the maintenance, use, upgrade and development of Regionally Significant Infrastructure; and
 - 3.3 Provide a workable framework to facilitate the sustainable management of competing interests and resources in the Wellington Region.
- 4 While (subject to the specific comments made below), the amendments suggested by the Review improve the workability of the Proposed Plan's objectives, they fall short of addressing the Transport Agency's concerns with the Proposed Plan.
- 5 As outlined in evidence and submissions presented in relation to Hearing Stream 1 and 2, the Transport Agency has significant concerns with the Proposed Plan, its definition of the Strategic Transport Network and consequently Regionally Significant Infrastructure, and the workability of the objectives and policies in a practical sense.
- 6 The Transport Agency considers that amendments are required to the Proposed Plan to provide an objectives and policy framework that enables all Regionally

¹ Hearing Panel Minute 13, 29 June 2017.

² Review, page 4.

³ Opening Legal Submissions on behalf of the Transport Agency for Hearing Stream 1, 12 June 2017; Statement of Evidence of Neil Walker on behalf of the Transport Agency for Hearing Stream 1, 5 May 2017 and Statement of Evidence of Hywel Edwards on behalf of the Transport Agency for Hearing Stream 1, 5 May 2017.

Significant Infrastructure (including in particular the existing and future State highway network), while appropriately managing environmental effects. This framework also needs to provide some direction as to how the policies aimed at protecting the natural environment are to be balanced against the need to use, develop, and protect Regionally Significant Infrastructure, recognising that, with respect to linear infrastructure in particular, there are often constraints as to its nature and location.

Hearing Stream 1

- 7 The Review recommends combining Objectives 12 and 13 of the Proposed Plan into a single objective intended to provide for significant infrastructure and renewable energy generation.
- 8 The Transport Agency respectfully disagrees with the recommendation to combine the two objectives. The Transport Agency considers that the two objectives should remain separate, as:
 - 8.1 They deal with two different outcomes, namely;
 - (a) the recognition of benefits of regionally significant infrastructure; and
 - (b) the protection of regionally significant infrastructure from incompatible use and development; and
 - 8.2 They follow two separate objectives in the Wellington Regional Policy Statement.
- 9 If the Panel agrees with the recommendation to combine the objectives as per the Review, then the Transport Agency considers that the reference to the "coastal marine area" (*CMA*) should be removed from the combined objective.
- 10 As explained in Mr Edwards evidence, objective 13 needs to set up an 'up-front', complete and strong objective for protecting regionally significant infrastructure in all locations regulated by the Proposed Plan, rather than introducing uncertainty and dilution through reference to the *CMA* only.⁴ The Transport Agency's assets, such as the State highway and wider transport network, traverse many waterways, and excluding such waterway environments from the objective is not appropriate in giving effect to the non-location specific Policy 8 of the Wellington RPS.⁵
- 11 Combining the objectives as suggested in the Review exacerbates this issue as there is a risk that all of the combined objective will be read narrowly as applying only in the *CMA*. That is, the recognition of the benefits of Regionally Significant Infrastructure will be confined to the *CMA*.

⁴ Statement of Evidence of Hywel Edwards on behalf of the Transport Agency for Hearing Stream 1, 5 May 2017, page 12.

⁵ *Ibid.*, at page 12.

Hearing Stream 2

- 12 The Transport Agency has no specific comments on the Review as it relates to the Hearing Stream 2 provisions.

Dated: 28 July 2017



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