

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-000117

under: the Resource Management Act 1991

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

between: **Wellington International Airport Limited**
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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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 Wellington International Airport Limited (*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 those 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 Objective 12;
 - 5.2 Objective 31;
 - 5.3 Objective 35;
 - 5.4 Objective 41;
 - 5.5 Objective 44;
 - 5.6 Objective 53;
 - 5.7 Policy 4;

- 5.8 Policy 7;
- 5.9 Policy 12;
- 5.10 Policy 28;
- 5.11 Policy 31;
- 5.12 Policy 39A;
- 5.13 Policy 40;
- 5.14 Policy 41;
- 5.15 Policy 42;
- 5.16 Policy 132;
- 5.17 Policy 145;
- 5.18 Rule 42; and
- 5.19 Rule 52.

Relief supported by the Transport Agency

- 6 The Transport Agency supports in principle the Appellant's relief to the extent that it seeks to strengthen the provisions in the Proposed Plan relating to Regionally Significant Infrastructure, and enable an appropriate consenting pathway for activities associated with both existing and new Regionally Significant Infrastructure.
- 7 The Transport Agency supports the relief sought because it:
 - 7.1 Promotes the sustainable management of natural and physical resources;
 - 7.2 Promotes the efficient use and development of natural and physical resources;
 - 7.3 Results in the most appropriate plan provisions in terms of section 32 of the RMA;
 - 7.4 Implements the Council's functions under section 30 of the RMA;
 - 7.5 Gives effect to higher order planning documents under section 67(3) of the RMA; and
 - 7.6 Is consistent with good resource management practice.

- 8 Without limiting the generality of the reasons outlined above, the specific reasons for the Transport Agency's support of the relief sought include:
- 8.1 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."
 - 8.2 To give effect to the *RPS*, must provide strong policy direction to provide for the operation, maintenance, upgrade and development of significant infrastructure, which is essential for communities to function. 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;
 - 8.3 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;
 - 8.4 The Proposed Plan should provide a clear cascading framework, which sets out the RMA hierarchy in respect of avoiding, remedying and mitigating effects, and also recognising that offsetting and environmental compensation can be appropriate in some circumstances; and
 - 8.5 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 Regionally Significant Infrastructure and fails to provide certainty for activities relating to the operation, maintenance and upgrade of Regionally Significant Infrastructure.

Relief sought

- 9 The Transport Agency supports the relief sought, or similar amendments to ensure that the Proposed Plan gives effect to the provisions relating to Regionally Significant Infrastructure in higher order planning documents.

Mediation

- 10 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.