

**In the Environment Court of New Zealand  
Christchurch Registry**

**I Te Kōti Taiao O Aotearoa  
Ōtautahi Rohe**

**ENV-2020-CHC-000046**

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Under the Resource Management Act 1991 (the Act)

In the matter of an appeal under clause 14(1) of the First Schedule of the Act

Between **Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu**  
Appellants

And **Marlborough District Council**  
Respondent

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

Dated 8 June 2020

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**To**                                      The Registrar  
   Environment Court  
   Christchurch

1                                      Waka Kotahi NZ Transport Agency (**'Transport Agency'**) wishes to be a party to an appeal by Te Rūnanga o Kaikōura & Te Rūnanga o Ngāi Tahu (**'Appellants'**) against the decisions of the Marlborough District Council (**'Respondent'**) on the proposed Marlborough Environment Plan (**'MEP'**) (Court reference ENV-2020-CHC-46).

2                                      The Transport Agency:

- a                                      Is a person who has an interest in the proceedings that is greater than the interest that the general public has. This is because the Transport Agency is responsible for managing state highways, and the Appellants' relief includes amendments to provisions relating to damming and water takes, both of which are essential for state highway maintenance and upgrading. In addition, the Transport Agency carries out earthworks when maintaining and upgrading state highway assets, and this has the potential to affect unknown sites of cultural significance; and
- b                                      Made a submission and further submission about the subject matter of the proceedings.

3                                      The Transport Agency is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

4                                      The Transport Agency is interested in part of the proceedings, being those aspects of the appeal that are set out below at paragraph 5 of this notice.

5                                      The Transport Agency is interested in the following particular issues:

- a                                      Amendments sought to Policy 3.1.2;
- b                                      Proposed Policy 3.1.XXX directing that resource consents involving water use, allocation or quality may be limited notified to relevant tangata whenua iwi;
- c                                      Amendments sought to Policy 4.1.1;
- d                                      Amendments sought to Objective 5.2;
- e                                      Amendments sought to Policy 5.2.1;

- f Amendments sought to Policy 5.2.2;
  - g Amendments sought to Policy 5.2.22;
  - h Amendments sought to Policy 5.2.23;
  - i Amendments sought to Policy 5.4.4;
  - j Proposed Policy 10.1.X protecting sites of significance not listed in Appendix 13;
  - k Proposed Policy 15.1.X requiring a plan change be undertaken if water quality changes due to land use, and proposing a nutrient management framework;
  - l Amendments sought to Rule 2.4.1;
  - m Amendments sought to Rule 2.6.5; and
  - n Amendments sought to Rule 2.11.1.
- 6 The Transport Agency neither supports nor opposes but is interested in the above provisions on the basis that:
- a The Transport Agency has an interest in provisions which would lead to future plan changes, which in turn could impact upon how the Transport Agency manages state highways in the District;
  - b Damming is an essential part of state highway maintenance and upgrading. The Transport Agency wishes to ensure that the MEP would not prevent this from occurring;
  - c The Transport Agency in upgrading and maintaining the state highway network may from time to time needs to take water. The Transport Agency therefore wishes to be involved in the relevant discussions; and
  - d New Policies 3.1.XXX and 10.1.X would be relevant to activities the Transport Agency carries out.

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

**Dated 8 June 2020**



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**Nicola McIndoe**

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