

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

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

ENV-2020-CHC-000050

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 **Trustpower Limited**
Appellant

And **Marlborough District Council**
Respondent

**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 Trustpower Limited (**'Appellant'**) against the decisions of the Marlborough District Council (**'Respondent'**) on the proposed Marlborough Environment Plan (**'MEP'**) (Court reference ENV-2020-CHC-50).

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 Appellant's relief includes amendments to provisions relating to regionally significant infrastructure, as well as damming which is essential for state highway maintenance and upgrading. In addition, relief sought by the Appellant regarding coastal and freshwater areas and indigenous biodiversity are relevant to the Transport Agency in relation to works undertaken when maintaining and upgrading the state highway network; 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 5.2.3;
- b Amendments sought to Policy 5.2.22;
- c Amendments sought to Policy 6.2.3;
- d Amendments sought to Policy 6.2.7;
- e Amendments sought to Policy 7.2.5;
- f Amendments sought to Policy 7.2.6;

- g Amendments sought to Policy 8.3.2;
 - h Amendments sought to Policy 8.3.4;
 - i Amendments sought to Policy 8.3.6;
 - j Amendments sought to Policy 15.1.16;
 - k Amendments sought to Rule 2.6.4; and
 - l 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 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;
 - b Works within, or in close proximity to, coastal or freshwater environments are an essential part of state highway maintenance and upgrading. These works also have the potential to affect indigenous biodiversity. The Transport Agency wishes to ensure that the MEP would not prevent these works from occurring;
 - c The Transport Agency's operation of the state highway network will be affected by amendments to provisions relating to regionally significant infrastructure; and
 - d Policy 15.1.16 exempting regionally significant infrastructure from maximum discharge permit durations is relevant to the Transport Agency in its management of the state highway network.

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

Dated 8 June 2020



Nicola McIndoe

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