

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

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

ENV-2020-CHC-000067

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 **Environmental Defence Society Incorporated**
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 Environmental Defence Society Incorporated (**'Appellant'**) against the decisions of the Marlborough District Council (**'Respondent'**) on the proposed Marlborough Environment Plan (**'MEP'**) (Court reference ENV-2020-CHC-67).

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 network utilities, regionally significant infrastructure, and structures within the coastal marine area. In addition, the Appellant has sought new provisions and amendments to existing provisions relating to natural character areas and landscapes, which may affect the Transport Agency in its function of maintaining and upgrading state highway assets in these locations. The relief sought regarding sediment runoff, riparian margins and vegetation clearance may also impact this role,; 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 4.2.4;
- b Amendments sought to Method 4.M.9;
- c Amendments sought to Policy 6.2.1;
- d Amendments sought to Policy 6.2.2;
- e Amendments sought to Policy 6.2.3 (previously Policy 6.2.4);

- f Proposed Policy 6.2.X seeking to protect the values of high, very high and outstanding natural character areas by controlling the activities listed in Policy 7.2.7;
 - g Amendments sought to Policy 7.2.5;
 - h Proposed Policy 7.2.X requiring the avoidance of significant adverse effects on natural features and landscapes in the coastal environment;
 - i Amendments sought to Policy 13.10.3;
 - j Proposed Policy 13.11.X requiring that a precautionary approach be adopted for proposed activities in the coastal environment that have uncertain, unknown, or little understood, but potentially significantly adverse effects;
 - k Amendments sought to Policy 15.1.27;
 - l Amendments sought to Policy 15.1.29;
 - m Amendments sought to Standards 3.3.12.2(b) and (c);
 - n Amendments sought to Standards 3.3.12.5;
 - o Amendments sought to Standards 3.3.12.6; and
 - p Amendments sought to Standards 3.3.12.7.
- 6 The Transport Agency neither supports nor opposes but is interested in the above provisions on the basis that:
- a Policy 4.2.4 and Method 4.M.9 will apply to the Transport Agency's operation of the state highway network in its capacity as regionally significant infrastructure and as a network utility;
 - b In performing its function of maintaining and upgrading the state highway network, the Transport Agency undertakes works within natural character areas subject to provisions such as Policies 6.2.1, 6.2.2, 6.2.3, 7.2.5, and proposed Policies 6.2.X and 7.2.X. The Transport Agency wishes to ensure the MEP would not prevent this function from occurring;
 - c Maintenance and upgrading works can require earthworks and vegetation clearance. The Transport Agency wishes to ensure the MEP would not prevent this from occurring.

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

Dated 8 June 2020

A handwritten signature in blue ink, appearing to read 'Nicola McIndoe', is written over a horizontal line.

Nicola McIndoe

Counsel for the New Zealand Transport Agency

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