In the Environment Court of New Zealand Christchurch Registry

I Te Kōti Taiao O Aotearoa Ōtautahi Rohe

ENV-2020-CHC-000057

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 KiwiRail Holdings 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

Waka Kotahi NZ Transport Agency ('Transport Agency') wishes to be a party to an appeal by KiwiRail Holdings Limited ('Appellant') against the decisions of the Marlborough District Council ('Respondent') on the proposed Marlborough Environment Plan ('MEP') (Court reference ENV-2020-CHC-57).

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 damming and structures in the beds of lakes and rivers, which is relevant for state highway maintenance and upgrading. In addition, part of the relief sought relates to subdivision and land use effects on roads, as well as sensitive activity provisions which were developed by the Transport Agency in conjunction with the Appellant; 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.
- 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 17.5.6;
 - b Amendments sought to Rule 2.2.25;
 - c Amendments sought to Rule 2.7.1; and
 - d Amendments to rules relating to sensitive activities in proximity to the rail network in various zones.
- 6 The Transport Agency supports the above provisions on the basis that:

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- a The relief sought is relevant to state highway operation, maintenance, upgrading and management. The Transport Agency wishes to ensure that the MEP would not prevent or compromise these functions.
- 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

Counsel for the New Zealand Transport Agency

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