

Form 33
Notice of person's wish to be party to proceedings
Section 274 Resource Management Act 1991

TO: The Registrar
Environment Court
Christchurch

1. OneFortyOne wishes to be a party to the following notice of appeal proceedings:

New Zealand Transport Agency v Marlborough District Council ENV-2020-CHC-56

2. OneFortyOne was a person who made a further submission about the subject matter of the proceedings.

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

4. OneFortyOne is interested in the following parts of the notice of appeal:

- a) Method 17.M.15
- b) New standard to 2.33.4
- c) New standard to 3.3.8

5. The particular issues of concern, following the numeration above, are:

- a) Method 17.M.15. the reference to the Council considering using powers under the Land Transport Act and in particular NZTA delegating its powers for State Highways to the Council.
- b) The prohibition of any new or altered vehicle access to a State Highway.
- c) The prohibition of forestry vehicles to State Highways and to council roads that directly access a State Highway. The introduction of a new controlled activity for forestry vehicle access.

Nelson Management Ltd and
Nelson Forests Ltd trading as
OneFortyOne
58A Gladstone Road
Private Bag 5
Richmond, Nelson 7050
New Zealand
Ph: +64 3 543 8115

6. OneFortyOne opposes the relief sought, following the above numeration of issues, for the following reasons:
- a) The proposal is a legal nonsense. NZTA is the road controlling authority for State Highways and the Marlborough District Council has no legal authority to introduce by-laws to control the use of a State Highway. State Highways are designed to take major volumes of traffic including heavy traffic and the New Zealand Government receives road user charges that they can use to deal with any effects of the transportation of heavy loads upon their State Highways.
 - b) The proposed standard is legally not required. NZTA has more than sufficient legislative powers to control and approve access to a State Highway. Resource consents to access State Highways are an inefficient use of Council ratepayers' funds to, in effect, double up on an existing legislative power held by NZTA.
 - c) NZTA have more than adequate legislative powers to control access on a State Highway and the safety of any access. Given the reasons for the various point of appeal there is no justification to single out forestry for requiring a resource consent to access State Highways and/or council roads. The proposal means Council cannot refuse an application and in effect is delegating approval to the NZTA.
7. OneFortyOne agrees to participate in mediation or other alternative dispute resolution of the appeal proceedings.



Heather Arnold authorised to sign on behalf of
OneFortyOne

Date: 8 June 2020
Address for service: OneFortyOne
Private Bag 5
Richmond 7010
Nelson
Telephone: 03 543 8115
Contact person: Heather Arnold
Email: Heather.Arnold@onefortyone.co.nz