

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**



IN THE MATTER	of the Resource Management Act 1991
AND	of the direct referral of applications for resource consents for activities associated with Te Ahu a Turanga: Manawatū Tararua Highway Project
BETWEEN	WAKA KOTAHI NZ TRANSPORT AGENCY (ENV-2020-WLG-000014) Applicant
AND	MANAWATŪ-WHANGANUI REGIONAL COUNCIL Regulatory Authority

**MINUTE OF THE ENVIRONMENT COURT
(29 JUNE 2020)**

- [1] I have read and considered the contents of Mr Shoebridge's email of 24 June (copy appended as it appears that it may not have been circulated to all parties).
- [2] I requested Commissioner Buchanan to provide any comments in response and a copy of his memorandum of 25 June is appended.
- [3] The Commissioner's comments are in accordance with my understanding of the matters at issue in the current proceedings before the Court. The issue of noise is not a live matter in these regional consents, that having been dealt with as part of the notice of requirement process where Mr Shoebridge was not a party and was denied waiver to join the proceedings belatedly.



- [4] I do not propose treating Mr Shoebridge's email as a formal notice of withdrawal from these current proceedings so he will continue to be listed as a party unless he advises to the contrary. He is of course under no obligation to participate further should he choose not to do so.



B P Dwyer
Environment Judge

Issued: 29/06/2020

Memo to Judge B P Dwyer

From

Commissioner I Buchanan

Re Mediation on Manawatu Tararua highway project

At the mediation session held on 21 June 2020 in Wellington discussion occurred between Mr N Shoebridge, NZTA representatives and myself regarding Mr Shoebridge's s274 interest in the above project. On the following day the Court Registry received notice from Mr Shoebridge that he no longer wanted to take part in the Court process. In that notice he states:

"I attended the "hearing" at environment court on Monday, and had stated to me by Commissioner there is no use me attending any further hearing as there is nothing I can do to stop the destruction of the environment and character to our home and property, and legally nothing at all that I can do, so there is no use me wasting any more of my time, energy and money, regarding this."

Mr Shoebridge is not correct in saying that I told him there was no use in him attending the hearing. What I said to him was that he had every right to attend and make a submission as a Section 274 party, but he should be aware that the Court was unable to address his principal concern over noise effects as these had been dealt with in the designation process. His response was that it was "probably a waste of time then". Counsel for NZTA had previously politely raised the jurisdiction problem, pointing out that the current process involved consents from the Regional Council, who had no responsibility for noise issues.

As this matter has been raised with the Court by Mr Shoebridge in the way he has, I don't believe I am betraying any mediation confidentiality in responding in this manner.

Ian Buchanan

Environment Court Commissioner



From: Nick Shoebridge1
To: [Wratten-Lowe, Kari](#)
Subject: Nick Shoebridge Submitter
Date: Wednesday, 24 June 2020 2:41:47 PM

Hello Kari

I attended the "hearing" at environment court on Monday, and had stated to me by Commissioner there is no use me attending any further hearing as there is nothing I can do to stop the destruction of the environment and character to our home and property, and legally nothing at all that I can do, so there is no use me wasting any more of my time, energy and money, regarding this.

The Council neither are willing to help our situation regarding the plans of the project drawn up to our property boundary.

So I will not be attending any further hearing related to the project.

We will require the bund construction to our affected boundaries as agreed, and provided for in the conditions, and the refencing etc as agreed by NZTA. We will work through the details of these as soon as possible with NZTA.

If I am required to apply for leave of the court to not attend future proceedings wasting even more of my time and resources please let me know.

Nick Shoebridge.

