

**BEFORE THE ENVIRONMENT COURT
AT WELLINGTON**

**I MUA I TE KŌTI TAIAO O AOTEAROA
KI TE WHANGANUI-A-TARA**

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
(12 AUGUST 2020)**

[1] The Court acknowledges receipt of the email of 11 August 2020 from Heritage NZ (HNZ) (copy attached for the benefit of other parties) advising that it failed to file a notice with the Court pursuant to s274 RMA notwithstanding that such a notice was served on NZTA.

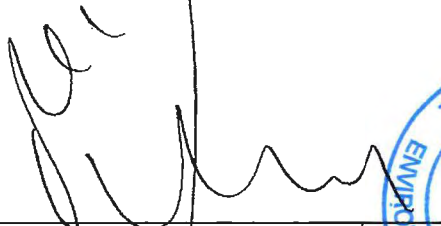
[2] Section 274(2A) provides that notice must (my emphasis) be served on the Court, local authority and the person who commenced proceedings. Failure to meet that requirement means that no valid notice has been given and that HNZ is not a s274 party which is entitled to appear at and give evidence in the proceedings.


[3] HNZ could potentially apply to the Court for a waiver and seek to file a belated notice. At first glance (and without prejudging the matter) the chances of a waiver being granted when all other parties have essentially resolved matters at issue between them appear to be remote having regard to the no undue prejudice requirement of s281(2). HNZ



can possibly take some comfort in the fact that in determining the applications the Court is obliged to consider matters raised in submissions pursuant to s104(1).

[4] The above comments are made on a purely observational basis and without the Court currently being aware of the case which HNZ might wish to advance on these matters. HNZ should take its own or independent advice in this regard.





BP Dwyer
Environment Judge

Issued: 12/08/2020