

IN THE ENVIRONMENT COURT
AT WELLINGTON

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

IN THE MATTER of a proposed direct referral of applications for resource consents and notices of requirement under sections 87G and 198E of the Resource Management Act 1991 for the Ōtaki to North of Levin Project

BY WAKA KOTAHI NEW ZEALAND
TRANSPORT AGENCY
Applicant

MINUTE OF THE ENVIRONMENT COURT
(23 MARCH 2023)

[1] The Court acknowledges receipt of the joint memorandum of counsel for Waka Kotahi New Zealand Transport Agency (Waka Kotahi), Manawatū-Whanganui Regional Council, Greater Wellington Regional Council, Horowhenua District Council and Kapiti Coast District Council dated 16 February 2023. For the sake of convenience I will refer to these parties jointly as the Initial Parties in the balance of this minute. I make the following directions as sought in paragraphs [18] – [24] of the joint memorandum (altered in some cases).

[2] The Court will establish a dedicated project web page for this proceeding on the Environment Court website.



[3] The Initial Parties will prepare template s 274 notices to assist those that wish to join the proceedings. Those template notices will be made available on the Court's project web page and shall be forwarded to all submitters following close of the submission period.

[4] I direct that:

- All documents relating to the proceedings are to be filed with the Court electronically via email at EnvironmentCourt@justice.govt.nz subject to Waka Kotahi providing hard copies of certain documents if directed to do so by the Court;
- Service of all documents on any party will be achieved by the Court uploading them to the project web page. This direction does not preclude any parties exchanging documents intended for general circulation directly with any other party as long as such documents have been uploaded on the project web page;
- Any party who/which does not have access to electronic communication and is unable to comply with this direction should contact the Court at ph. (04) 918 8330, DX SX 10044 or PO Box 5027, Wellington to make other filing arrangements. Alternatively filing may be effected by physical delivery of documents to the Environment Court Registry, Level 5, District Court Building, 49 Ballance Street, Wellington.

[5] The following requirements for s 274 parties are waived:

- Lodging a signed original and one copy of their s 274 notice; and
- Serving a copy of the s 274 notice on "all other parties".

[6] Section 274 parties must:

- File a single email copy of their section 274 notice (which may be signed or unsigned) with the Court at EnvironmentCourt@justice.govt.nz. Section 274 parties who/which do not have access to email may file a single signed paper copy of their notice with the Court at the PO



Box/DX number or physical address set out in para 4 (above – third bullet point). The Court will record all such notices on the project web page;

- Otherwise meet the requirements of Form 33 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 and the RMA.

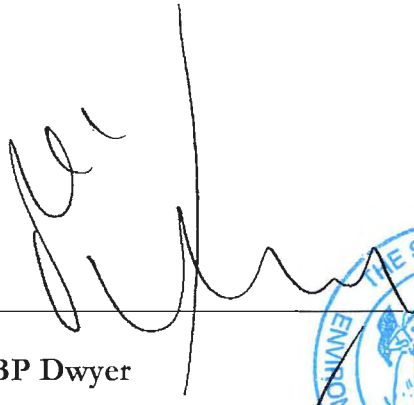
[7] The Initial Parties advise that they have appointed a “friend of submitters” (Mr D Forrest) to assist unrepresented parties as process advisor during the Councils’ processes. The Initial Parties have requested that Mr Forrest continues in that role during the Court process. The Court will consider formally appointing Mr Forrest (or some other appropriate person if need be) as process advisor to unrepresented parties once the proceedings are formally lodged with the Court. Such appointment would be on the following basis:

- The Court assumes that the Initial Parties will meet the process advisor’s costs through to the end of proceedings. They are to advise if that is not the case;
- The process advisor is not an officer of the Court. His function will be to assist submitters with advice about the Court’s practices and procedures, not as to the merits of their cases. In particular the process advisor is not to give advice about matters of law applicable to the substantive proceedings nor matters of expert evidence that may be relevant to the issues of the case.

[8] It may not be possible for the Court to conduct a pre-hearing conference in this matter until 21/22 June 2023.

[9] A copy of this minute shall be available on the application file of each of the local authorities identified in paragraph [1] (above) and shall be forwarded to each submitter as soon as reasonably practical after closing of submissions.





BP Dwyer
Environment Judge

