

In the Environment Court
At Wellington

ENV-2024-WLG-000044

I te Kōti Taiao o Aotearoa
KiTe Whanganui-a-Tara

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 **ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED**

Appellant

And **WELLINGTON REGIONAL COUNCIL**

Respondent

**NOTICE OF WISH TO BE PARTY TO PROCEEDINGS ON BEHALF OF KĀPITI COAST
DISTRICT COUNCIL**

Dated: 9 December 2024



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To: The Registrar
Environment Court
Wellington

Introduction

1. Kāpiti Coast District Council (**Council**) gives notice that it wishes to be a party to the appeal by Royal Forest and Bird Protection Society of New Zealand Incorporated (**Forest and Bird**) against the decision of the Wellington Regional Council (**Greater Wellington**) on proposed change 1 to the Wellington Regional Policy Statement (**RPS**) (**PC1**).
2. The Council is a local authority in accordance with s274(1)(b) of the Resource Management Act 1991 (**RMA**). The Council made a submission on PC1 and has also appealed part of Greater Wellington's decision on PC1 (ENV-2024-000054).
3. The Council is not a trade competitor for the purposes of 308C or 308CA of the RMA.

Interest in proceedings

4. The Council is interested in part of the proceeding.
5. The Council opposes the relief sought by Forest and Bird in relation to certain Natural Hazards, Climate Change and Indigenous Biodiversity provisions.

Natural Hazard provisions

6. The Council opposes the relief sought by Forest and Bird in relation to Policy 29 as the relief will make the policy less enabling of subdivision, use and development in high hazard areas where

risk can be managed. The decisions version of the policy is limiting to an extent that is disproportionate to what is necessary to give effect to section 6(h) of the RMA.

Climate Change provisions

7. The Council opposes the relief sought by Forest and Bird in relation to:
 - (a) Policy CC.7; and
 - (b) Policy CC.8.

8. The Council opposes reinstating the notified version of Policy CC.7 as the requirement for district plans to provide for “nature-based solutions” to climate change to be part of development and infrastructure planning and design, cannot be justified under section 32 of the RMA. The policy as drafted will result in a lack of clarity as well as regulatory uncertainty.

9. The Council opposes the relief sought to Policy CC.8 to the extent that it continues to require territorial authorities to manage greenhouse gas emissions and apply offsetting measures, as these responsibilities fall outside the scope of their functions under the RMA.

Indigenous Biodiversity provisions

10. The Council opposes the relief sought by Forest and Bird in relation to Policies 24 and 24C-D to the extent that the amended provisions continue to prescribe timeframes that are inconsistent with the Resource Management (Freshwater and Other Matters) Amendment Act 2024, and the consequential suspension of the National Policy Statement for Indigenous Biodiversity (**NPS-IB**)

requirement to identify significant natural areas within a specified timeframe.

Mediation

- 11.** The Council agrees to participate in mediation or other alternative dispute resolution for this proceeding.

DATED at Wellington this 9th day of December 2024



Matt Conway / Katherine Viskovic

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