

In the Environment Court
At Wellington

ENV-2024-WLG-000054

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 **KĀPITI COAST DISTRICT COUNCIL**
Appellant

And **WELLINGTON REGIONAL COUNCIL**
Respondent

**NOTICE OF WISH TO BE PARTY TO PROCEEDINGS ON BEHALF OF PORIRUA CITY
COUNCIL**

Dated: 9 December 2024



Mike Wakefield / Katherine Viskovic
T: +64-4-499 4599
mike.wakefield@simpsongrierson.com
katherine.viskovic@simpsongrierson.com
PO Box 2402 Wellington

To: The Registrar
Environment Court
Wellington

Introduction

- 1.** Porirua City Council (**Council**) gives notice that it wishes to be a party to Kāpiti Coast District Council's (**KCDC**) appeal 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-2024-000043).
- 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 supports the relief sought by KCDC to the extent that it is consistent with its appeal, and as set out in this notice.
- 6.** Specifically, the Council supports the relief sought by KCDC on the provisions related to Indigenous Biodiversity, Climate Change, Natural Hazards and Urban Development, particularly where these provisions require implementation through district plans.

Climate Change provisions

7. The Council supports the relief sought by KCDC in relation to the following policies:
 - (a) Policy CC.1;
 - (b) Policy CC.2;
 - (c) Policy CC.2A; and
 - (d) Policy CC.8.

8. The Council supports the relief sought by KCDC in relation to the above provisions as it considers that they lack clarity, and because they require territorial authorities to undertake actions that fall beyond the jurisdiction of the RMA (including the Council's functions and responsibilities).

9. The Council also supports deletion of the timeframe for implementation prescribed by Policy CC.2 as this is considered to be unrealistic and unachievable for the relevant territorial authorities.

Indigenous Biodiversity provisions

10. The Council supports the relief sought by KCDC in relation to the following policies:
 - (a) Policy 23;
 - (b) Policy 24; and
 - (c) Policies 24A – 24D.

11. The Council supports deletion of the timeframe referenced in Policy 23 and 24, to ensure consistency with the Resource Management (Freshwater and Other Matters) Amendment Act 2024, and the consequential suspension of the National Policy

Statement for Indigenous Biodiversity requirement to identify significant natural areas within a specified timeframe.

- 12.** The Council supports removal of “ecosystem processes” from Policy 24, and 24A-D due to the uncertainty of this term.

Natural Hazard provisions

- 13.** The Council supports the relief sought by KCDC in relation to Policy 29.
- 14.** The Council supports the relief sought to Policy 29 because it will provide a pathway for subdivision, use and development in high hazard areas where risk can be managed. As currently drafted this policy could disproportionately restrict development and could create issues in the Porirua context (given the location of hazards in the City Centre).

Urban Development provisions

- 15.** The Council supports the relief in relation to the provisions below:
 - (a) Definition – medium density development;
 - (b) Policy 30;
 - (c) Policy 31;
 - (d) Objective 22; and
 - (e) Policy 57.
- 16.** The Council supports the relief sought to the definition of “medium density development”, as it relates to Policy 30 and Policy 31, to ensure consistency, and avoid duplication, with the National Policy Statement on Urban Development 2020.

17. The Council also supports the amendments sought to Policy 30 to ensure alignment with the National Planning Standards.
18. The Council supports the relief sought to Objective 22 as the relief will result in a clearer objective that it easier for the relevant territorial authorities to apply.
19. The Council supports the relief sought in relation to Policy 57 as it provides clearer and more appropriate direction to plan users, and more certainty in terms of implementation.

Mediation

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

DATED at Wellington this 9th day of December 2024



Mike Wakefield / Katherine Viskovic
Counsel for Porirua City Council

Address for service of interested party:

Simpson Grierson
40 Bowen Street
PO Box 2402
Wellington 6140

Attention: Mike Wakefield / Katherine Viskovic

Telephone: 04 924 3430

Email: mike.wakefield@simpsongrierson.com /
katherine.viskovic@simpsongrierson.com