

**In the Environment Court  
At Wellington**

**I te Kōti Taiao o Aotearoa  
Ki te Whanganui-a-tara**

ENV-2022-WLG-

**Between**                      **Wellington City Council**  
Appellant

**And**                              **Greater Wellington Regional Council**  
Respondent

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**Notice of appeal to Environment Court  
against decision on Plan Change 1 and  
Variation 1 to the Wellington Regional  
Policy Statement**

**18 November 2024**

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# Notice of appeal to Environment Court against decision on Plan Change 1 and Variation 1 to the Wellington Regional Policy Statement

To the Registrar  
Environment Court  
Wellington

1 The Wellington City Council (**Council**) appeals against parts of a decision of the Greater Wellington Regional Council on Plan Change 1 and Variation 1 to the Wellington Regional Policy Statement (**RPS**).

2 The Council made a submission on that Plan Change and Variation.

3 The Council is not a trade competitor for the purposes of section 308D of the Act.

4 The Council received notice of the decision on 4 October 2024.

5 The decision was made by the Greater Wellington Regional Council.

6 The parts of the decision that the Council is appealing against are set out in the Appendix to this Notice of Appeal.

7 The reasons for the appeal are as specified in the Appendix to this Notice of Appeal. While the Council agrees with the outcomes sought through Plan Change 1 and Variation 1 to the RPS, the Council does not agree that some of the methods proposed to achieve these outcomes are the most appropriate. It has concerns about the timing and balancing of national direction, undue confusion between the relative responsibilities of the Council and the Greater Wellington Regional Council, and the practicability and workability of the RPS for territorial authorities.

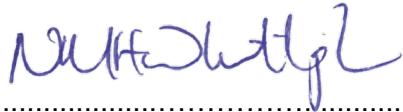
8 The Council seeks the relief specified in the Appendix to this Notice of Appeal, or any alternative relief that appropriately addresses the matters raised in this appeal or the Council's submission.

9 The Council attaches the following documents to this notice:

(a) a copy of the Council's submission and further submission;

- (b) a copy of the relevant parts of the decision;
- (c) a list of names and addresses of persons to be served with a copy of this notice.

Date: 18 November 2024



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Nick Whittington  
Counsel for the Wellington City Council

**Address for service of Appellant**  
Email: [karyn.basher@wcc.govt.nz](mailto:karyn.basher@wcc.govt.nz)  
Contact person: Karyn Basher

# Appendix

Provision or matter appealed	Reason(s) for appeal	Relief sought
Policy CC.1	New Policy CC.1 is unworkable as it relates to inclusion of objectives, policies and rules in district plans. This type of policy direction is more appropriately implemented through decisions by a road controlling authority as it is about allocation of road corridor space and spending decisions.	Delete Policy CC.1
Policies CC.2 and CC.2A	<p>Requiring travel choice assessments creates an unnecessary administrative burden for resource consents, especially for residential developments in walkable catchments.</p> <p>The regional thresholds for travel assessments are arbitrary and inappropriately linked to numbers of dwellings rather than other indicia of vehicle trip generation</p>	<p>Delete policies CC.2 and CC.2A.</p> <p>Remove references to 30 June 2025 in both policies.</p>
Policy CC.3	Requiring district plans to include objectives, policies, rules and methods enabling infrastructure supporting the uptake of zero and low-carbon multi-modal transport by 30 June 2025 is unworkable.	Remove reference to 30 June 2025.
Policy CC.9	<p>Greenhouse gas emissions are not likely to be adequately quantifiable at the level of an individual development for the purpose of a resource consent application.</p> <p>This will place an unduly onerous administrative burden on territorial authorities in administering plan changes</p>	Delete policy CC.9

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	and on territorial authorities and applicants in relation to resource consents.	
Policy 29	The “avoid” directive and requirement to have a “functional or operational need to be located in these areas” in this policy would unduly constrain development where it is conceivable that development can result in a reduction in risk or otherwise not increase risk. The current policies do not enable such an approach as they are broad and unnuanced.	Amend policy 29 and 51 to provide greater pathways to enable development in areas at high risk of natural hazards while managing risk.
Policy 51		
Policies 55, 56, UD.3 and UD.4	<p>These policies will constrain future development options in Wellington City and the wider region, which will impact housing affordability because they:</p> <ul style="list-style-type: none"> <li>• unduly constrain urban development</li> <li>• place an inappropriate administrative burden on urban development</li> <li>• do not provide an adequate pathway for Greenfield urban development. They are therefore in conflict with policy 8 of the NPS UD (responsive planning requirements) and objective 2 of the NPS UD (supporting competitive land and development markets)</li> <li>• require prioritisation of use of existing infrastructure over the creation of new infrastructure or require no material impact on infrastructure for other development capacity. This is inappropriately constraining as use of existing infrastructure or reserving infrastructure</li> </ul>	<p>Amend policy 55 to:</p> <ul style="list-style-type: none"> <li>• delete clause (a)(2)(i) through (iii).</li> <li>• amend the chapeau of clause (a)(3) from ‘concentrates’ to ‘enables’.</li> <li>• delete clause (a)(4) entirely.</li> <li>• delete ‘in accordance in with Policy UD.3’ from clause (d).</li> </ul> <p>Amend policy 56 to:</p> <ul style="list-style-type: none"> <li>• delete clause (a) entirely or apply clause (a) only to highly productive land as per NPS-HPL.</li> <li>• delete clause (c).</li> <li>• delete clause (i).ii.</li> </ul> <p>Amend policy UD.3 to:</p> <ul style="list-style-type: none"> <li>• delete clause (b)(iii).</li> <li>• delete clause (c)(i).</li> </ul>

Provision or matter appealed	Reason(s) for appeal	Relief sought
	<p>capacity for future development may not be the most affordable or practical option</p> <p>The policies are also unclear and contain unnecessary cross references which risk giving rise to interpretation issues.</p>	<ul style="list-style-type: none"> <li>• delete 'and without material impact on the capacity provided by existing or committed infrastructure for other feasible, reasonably expected to be realised developments, in the short-medium term' from clause (d).</li> <li>• delete clause (e).</li> <li>• delete clause (f).</li> </ul> <p>Delete policy UD.4 entirely or amend to:</p> <ul style="list-style-type: none"> <li>• delete reference to '<i>(including unanticipated or out of sequence brownfield development)</i>' from clause (a).</li> <li>• delete from clause (ii) '<i>which prioritises the use or upgrading of existing infrastructure over the creation of new infrastructure</i>'.</li> <li>• delete clause (iv).</li> </ul>
Policy UD.5	<p>This policy requires applications for resource consent, notices of requirement or plan changes relating to urban development to seek to achieve well-functioning urban environments by avoiding or mitigating potential adverse effects on the natural environment, including on freshwater consistent with policy 42. However, policy 42 simply specifies what the Regional Council must have regard to when considering an application for a regional resource consent relating to urban development. There is therefore nothing to be consistent with in policy 42.</p> <p>The policy requires consideration of provision of housing typologies when assessing resource consents or plan changes. However, diversity of typology is</p>	<p>Delete reference to 'provide a diversity of typologies' in subclause (b).</p> <p>Delete 'consistent with policy 42' in subclause (e).</p>

Provision or matter appealed	Reason(s) for appeal	Relief sought
	desirable at a city-wide or suburb level, but not necessarily at the level of a single development the subject of a resource consent application or plan change.	
Policy 57	<p>This policy refers to the “Let’s Get Wellington Moving Growth Corridor”. LGWM has been disbanded. The Future Development Strategy refers to the “Te Aro Growth Corridor” in place of “LGWM Growth Corridor”. This would be more appropriate in Policy 57.</p> <p>This policy is overly prescriptive in directing that development be located in areas near centres.</p> <p>Individual consent applications should not have to consider the RPS.</p>	<p>Delete reference to this policy applying when considering an application for a resource consent.</p> <p>Delete clause (a).</p> <p>Amend reference to the LGWM Growth Corridor to Te Aro Growth Corridor.</p>
Policy 31	This policy purports to give effect to policy 3 of the NPS-UD, but in fact provides no regional direction and contains differences in wording that risk inconsistency with policy 3.	Delete policy 31.
Definition of “high density development”	This definition includes the concept of an “anticipated” building height of at least six storeys. The NPS-UD requires high density residential areas to enable at least six storeys but does not necessarily “anticipate” them.	Amend this definition as per the Council’s submission.
Definition of “medium density development”	This definition is unduly focused on residential development when the defined term implies a broader scope, including commercial and mixed use development.	Amend this definition as per the Council’s submission.
Policies 51, 55, 56, 57, 58, UD.5, CC.9, CC.10	Each of these policies relate in some way to managing urban development and impose requirements on the Council when considering an application for a resource	Delete references in these policies to their application when considering resource consents.

<b>Provision or matter appealed</b>	<b>Reason(s) for appeal</b>	<b>Relief sought</b>
	<p>consent. But integrating urban development with transport, infrastructure, etc, are best achieved through the district plan, not through requiring consideration of the RPS at the individual consent level.</p> <p>It is also inappropriate for a RPS to seek to have direct application to resource consent applications rather than leaving the territorial authority to determine how to give effect to the RPS through its district plan.</p>	