

In the Environment Court
At Wellington

ENV-2024-WLG-000048

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 **UPPER HUTT CITY 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



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To: The Registrar
Environment Court
Wellington

Introduction

1. Porirua City Council (**Council**) gives notice that it wishes to be a party to the appeal by Upper Hutt City Council (**UHCC**) 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 is interested in the parts of the proceeding that relate to the relief sought by UHCC on the Climate Change and Urban Development provisions.

Climate Change provisions

6. The Council supports the relief sought to:
 - (a) Policy CC.2A

- 7.** The Council supports deletion of this policy because it lacks clarity, and because requires territorial authorities to undertake actions that fall beyond the jurisdiction of the RMA (including the Council’s functions and responsibilities).
- 8.** The Council opposes the relief sought to:

 - (a) Policy CC.2
- 9.** The Council is seeking the deletion of this policy in its appeal. While the Council recognises the potential improvements to the wording of the policy sought by UHCC, the Council opposes the relief sought by UHCC as full deletion of the policy is still sought by the Council. The Council considers that district plans cannot dictate transport modes, and therefore, the policy goes beyond the functions of territorial authorities under the RMA.

Indigenous Biodiversity provisions

- 10.** The Council supports the relief sought by UHCC in relation to the following provisions:

 - (a) Definition – ecosystem processes;
 - (b) Policies 24B and 24D; and
 - (c) Method 21.
- 11.** The Council supports deletion of the definition of ‘ecosystem processes’ as its meaning is unclear and will therefore introduce uncertainty.
- 12.** The Council supports deletion of the timeframes in Policy 24B and 24D and Method 21 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.

- 13.** The Council supports part of the relief sought by UHCC in relation to Objective 16. The Council supports the part of UHCC's relief that seeks '~~and~~ restored', as this amendment gives more flexibility as to how the objective can be achieved.

Urban Development provisions

- 14.** The Council supports the relief sought by UHCC in relation to the following provisions:
 - (a) Definition – urban zones;
 - (b) Definition – environmentally responsive; and
 - (c) Policy UD.4.
- 15.** The Council supports the relief sought to the definition of “urban zones” as an alternative to the deletion of this definition as sought in its appeal. The Council supports the amendment of this definition to remove the current inconsistencies between this definition and the Proposed Porirua District Plan.
- 16.** The Council supports the deletion of the definition of ‘environmentally responsive’ as this definition will create unnecessary complexity and introduce ambiguity for consenting processes.
- 17.** The Council supports the deletion of Policy UD.4 because it is inconsistent with the RMA and National Policy Statement for Urban Development 2020 as the priorities it sets out will not necessarily result in a well-functioning urban environment and the policy will overly constrain housing development.

- 18.** The Council supports part of the relief sought by UHCC in relation to provisions below:
- (a) Objective 22; and
 - (b) Policy 55.
- 19.** The Council supports UHCC’s relief in relation to Objective 22 because it makes the objective more straightforward, and easier to apply. However, the Council seeks deletion of “and environmentally responsive,” due to the uncertainty of this defined term.
- 20.** The Council only supports the relief sought by UHCC in relation to Policy 55 to the extent that it is consistent with the relief sought by the Council.¹

Mediation

- 21.** 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

1 Notice of Appeal on behalf of PCC, Appendix 1, at appeal point 33.

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