

**In the Environment Court
Wellington Registry
I Mua I Te Kōti Taiao O Aotearoa
Te Whanganui-ā-Tara Rohe**

ENV-2019-WLG-000116

Under the Resource Management Act 1991
And in the matter of an application under Section 274 of the Act

Between

Porirua City Council

Appellant

and

Greater Wellington Regional Council

Respondent

**Notice of Kāinga Ora-Homes and Communities' wish to be
party to proceedings**

9 October 2019

BELL GULLY

BARRISTERS AND SOLICITORS
A J L BEATSON / J A GREGORY
WELLINGTON LEVEL 21, ANZ CENTRE, 171 FEATHERSTON STREET
PO BOX 1291, WELLINGTON 6140, DX SX11164, NEW ZEALAND
TEL 64 4 915 6800 FAX 64 4 915 6810

To: The Registrar
Environment Court
Wellington

1. Kāinga Ora-Homes and Communities (**Kāinga Ora**) wishes to be a party to the following proceedings:
 - (a) *Porirua City Council v Greater Wellington Regional Council* – ENV-2019-WLG-000116.
2. Kāinga Ora is a person who has an interest in the proceedings that is greater than the interest that the general public has. Kāinga Ora was established on 1 October 2019 and has two key roles:
 - (a) being a world-class public housing landlord; and
 - (b) working in partnership to enable, facilitate and build urban development projects of all sizes.
3. Kāinga Ora has significant housing and urban development interests in the Greater Wellington Region.
4. In November 2018, the Government announced a \$1.5 billion investment over the next 25 years to revitalise eastern Porirua. The Porirua Development plan includes replacing older state homes, creating opportunities for home ownership through affordable homes and housing for sale on the open market. In addition to housing, Porirua Development seeks to revitalise the eastern Porirua neighbourhoods and improve the wellbeing of eastern Porirua residents. Kāinga Ora is partnering with Porirua City Council and Ngāti Toa to deliver the Porirua Development.
5. The redevelopment of eastern Porirua, and potentially other areas in the Greater Wellington Region, will need to be supported by strategic and local infrastructure, including upgrades, to ensure that housing is not only warmer, drier and safer but is also sustained by resilient infrastructure. The planning framework will potentially have a significant bearing on the type, rate and extent of such redevelopment.

6. Kāinga Ora is not a trade competitor for the purposes of section 308C of the Resource Management Act 1991.
7. Kāinga Ora is interested in all of the proceedings and supports the Appellants concerns about the potential for the Proposed Plan to unnecessarily constrain strategic urban development and the maintenance, operation and upgrade of infrastructure.
8. Kāinga Ora is interested in the following particular issues:
 - (a) Definitions – amendments to the definitions of Regionally Significant Infrastructure (to include landfills) and Upgrade;
 - (b) Policies – amendments proposed by the Appellant to:
 - (i) Section 4.2: include a new policy to recognise the benefits of existing urban areas and infrastructure;
 - (ii) Policy P7: recognise the use of land and water to support urban land use;
 - (iii) Policy P12: recognise the functional needs of infrastructure beyond just the coastal marine area and beds of lakes and rivers;
 - (iv) Policy P34: to address the very restrictive fish passage requirements;
 - (v) Policy P41A: to recognise it is not always possible to avoid all effects on indigenous fish habitat;
 - (vi) Policy P48: to address highly restrictive language, which could limit urban development;
 - (vii) Policy P73: relating to minimising stormwater discharges; and
 - (viii) Policy P90: to introduce mitigation into the policy.

- (c) Rules – amendments to the following:
 - (i) Rule R48: to reduce the regulatory requirements on stormwater discharge from individual properties;
 - (ii) Rule R51: to remove uncertainty;
 - (iii) Rules R61 and R62: that introduce significant costs and risks to the consentability of wastewater infrastructure;
 - (iv) Rules R110 and R111: that introduce unduly restrictive restrictions to small scale reclamations that may be needed for infrastructure;
 - (v) 5.5.4: to provide flexibility for emergency works and maintenance of infrastructure assets;
 - (vi) Rule R115: for workability; and
 - (vii) New rule after R116L to recognise existing structures in, on or under the bed of a river.
- (d) The introduction of a new method to enable urban development.

9. Kāinga Ora supports the relief sought because—

- (a) Kāinga Ora is partnering with the Appellant to deliver the Porirua Development plan, and the relief sought by the Appellant seeks to recognise and enable infrastructure associated with urban development;
- (b) infrastructure should not be unjustifiably constrained by the Proposed Plan; and
- (c) some flexibility is required in the Proposed Plan to enable the necessary work to maintain and upgrade infrastructure to support urban development.

10. Kāinga Ora agrees to participate in mediation or other alternative dispute resolution of the proceedings.



A J L Beatson / J A Gregory

Counsel for Kāinga Ora-Homes and Communities

Dated 9 October 2019

Address for service:

Kāinga Ora-Homes and Communities
C/- Bell Gully
171 Featherston Street
PO Box 1291
Wellington 6140
Attention: Andrew Beatson

Telephone: (04) 915 6800
Facsimile: (04) 915 6810
Email: andrew.beatson@bellgully.com / jill.gregory@bellgully.com

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.