

**BEFORE THE ENVIRONMENT COURT**

**ENV-2019-WLN-000116**

**AT WELLINGTON**

**I MUA I TE KOOTI TAIAO**

**O AOTEAROA**

**IN THE MATTER**

of an appeal under clause 14  
of Schedule 1 of the Resource  
Management Act 1991

**BETWEEN**

**Porirua City Council**

*Appellant*

**AND**

**Wellington Regional  
Council**

*Respondent*

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**NOTICE OF WISH TO BE A PARTY TO PROCEEDINGS BY THE  
MINISTER OF CONSERVATION**

**Dated: 9 October 2019**

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Department of Conservation  
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## **Notice of person's wish to be a party to proceedings**

### **Section 274 Resource Management Act 1991**

To: The Registrar  
Environment Court  
WELLINGTON

1. The **Minister of Conservation** (the **Minister**) wishes to be a party to the following proceedings:
  - 1.1. Porirua City Council v Wellington Regional Council,  
ENV-2019-WLN-000116.
2. The Minister made submissions and appeared at the Council hearing on the proposed Natural Resources Plan for the Wellington Region (proposed Plan). The Minister also has an interest greater than the interest the general public has, specifically regarding conservation values and the implementation of the New Zealand Coastal Policy Statement.
3. The Minister is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 (RMA).
4. The Minister is interested in part of the proceedings.
5. The Minister is interested in the following particular issues:
  - 5.1. New policy after Policy P3 in relation to precautionary approach;
  - 5.2. Policy P24 – natural character;
  - 5.3. Policy P39 – adverse effects on outstanding waterbodies;
  - 5.4. Policy P41A – effects on the spawning and migration of indigenous fish species;
  - 5.5. Policy P48 – protection of natural features and landscapes;
  - 5.6. Rule R48 – stormwater from an individual property;
  - 5.7. General conditions 5.5.2(f) – work in inanga spawning sites;

- 5.8. Rule R106 – restoration of significant and outstanding wetlands – controlled activity;
- 5.9. General conditions 5.5.4(e) – work in inanga spawning sites;
- 5.10. New proposed Rules R127A and R127B and amendments to Rules R127 and R128;
- 5.11. New proposed rules prior to rule R129 and R130 for structures, culverts, dams, damming and diverting to be controlled activity in rivers within a future urban growth area subject to a comprehensive development plan;
- 5.12. Coastal management general conditions 5.7.2(l) – work in inanga spawning sites;
- 5.13. Rules R161 & R162– making new structures inside significant sites discretionary;
- 5.14. New rule to sit before rule R 167 making seawalls inside sites of significance to protect infrastructure discretionary;
- 5.15. Schedules F3 and F5.

6. The Minister supports in part and opposes in part the relief sought.

7. The Minister opposes the following relief sought because:

- 7.1. Policy P24 – the amendments sought are inconsistent with policy 13(a) of the New Zealand Coastal Policy Statement (NZCPS);
- 7.2. Policy P39 – adverse effects on outstanding waterbodies – the relief sought would result in the plan not giving effect to the NZCPS.
- 7.3. Policy P41A – effects on the spawning and migration of indigenous fish species – the relief sought to ‘reduce’ instead of ‘avoid’ adverse effects on indigenous fish species and habitats during known spawning and migration times is inconsistent with the requirements in section 6(c) of the Act and the NPSFM.
- 7.4. Policy P48 – protection of natural features and landscapes – the amendment sought to paragraph (b) is inconsistent with the NZCPS policies 13(a) and 15(a).
- 7.5. Rule R48 – stormwater from an individual property – the relief sought doubles the suspended solids concentration permitted in discharges and as such will not maintain or improve water quality;

- 7.6. General conditions 5.5.2(f) – work in inanga spawning sites; the appellant seeks to be able to disturb inanga sites prior to and during spawning to undertake emergency works or maintenance and capital construction works in relation to its assets. The exemption is considered too wide and the appellant can rely on s 330 of the RMA for emergency works. Capital construction works should be programmed in inanga spawning sites outside of spawning times.
- 7.7. Rule R106 – restoration of significant and outstanding wetlands – controlled activity – the appellant seeks permitted activity status. However, controlled activity status is more appropriate for these activities which are likely to require council assessment and monitoring. The waiving of resource consent fees under this rule is supported;
- 7.8. General conditions 5.5.4(e) – work in inanga spawning sites, see explanation to wetlands general conditions 5.5.2(f) above.
- 7.9. New proposed Rules R127A and R127B and amendments to Rules R127 and R128 – the amendments sought not give effect to the NPSFM.
- 7.10. New proposed rule prior to rule R129 and R130 for controlled activity status for structures, culverts, damming and diverting rivers – will not give effect to the NPSFM.
- 7.11. Coastal management general conditions 5.7.2(l) – work in inanga spawning sites, see explanation to wetlands general conditions 5.5.2(f) above.
- 7.12. Rule R161 and R 162 – making new structures inside significant sites discretionary – this amendment would not give effect to the NZCPS.
- 7.13. New rule to sit before Rule R 167 making seawalls inside sites of significance to protect infrastructure discretionary - this amendment would not give effect to the NZCPS.
- 7.14. The amendments sought do not give effect to higher order policy direction including the National Policy Statement for Freshwater Management 2014, do not provide for matters of national importance listed in section 6 of the RMA, and do not promote the sustainable management of natural and physical resources.

8. The Minister supports the following relief sought because:
- 8.1. New policy after Policy P3 in relation to precautionary approach is supported as it implements the New Zealand Coastal Policy Statement (NZCPS);
  - 8.2. Schedules F3 and F5: improving the accuracy of the maps is supported.
9. The Minister agrees to participate in mediation or other alternative dispute resolution of the proceedings.



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Katherine Anton  
Solicitor for the Minister of Conservation

9 October 2019

Address for service of person wishing to be a party:

**Minister of Conservation**  
Department of Conservation  
18 Manners Street, Wellington 6011

*Contact persons*

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**Advice**

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